

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

*Detached Secondary Dwelling  
at*  
23 Forest Way, Frenchs Forest  
Lot B, D.P 377587

**Ver: F01**  
**Date: 1/04/2025**



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## **1. INTRODUCTION**

### **1.1 Overview**

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Northern Beaches Council on behalf of the owners of the subject site. The DA proposes the construction of a detached secondary dwelling at 23 Forest Way, Frenchs Forest.

The SEE provides a detailed explanation of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP& A Act). This assessment has established that the proposal is:

- Compliant with the current objectives of the Environmental Planning Instrument
- Will not result in negative impacts on the surrounding environment
- Is responsive to the site and displays a positive relationship with the site
- Is within the public interest.

### **1.2 Supporting Documents**

This Statement of Environmental Effects is to be read and assessment in conjunction with the other documents lodged in support of the application:

- Architectural Plans
- Stormwater Plans
- Survey Report
- Waste Management Plan

### **1.3 Policy Documents**

The following legislative documents have been reviewed and are deemed of significance for the proposed development application:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

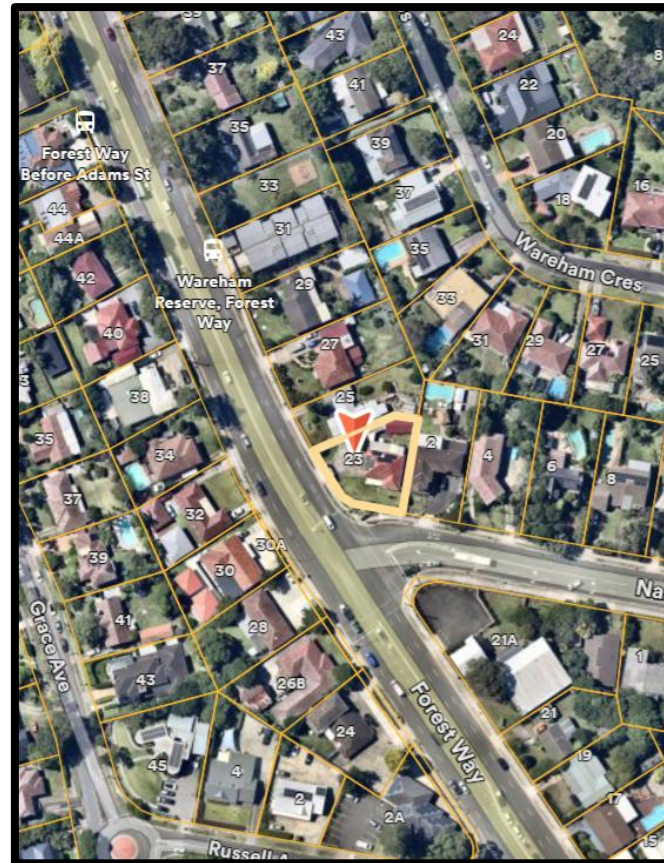
### **1.4 Type of Development**

The proposal is local development that can be determined by Northern Beaches Council.

## **2. SITE ANALYSIS**

## 2.1 Location and Context

The site is located within the Northern Beaches Council Local Government Area, with Frenchs Forest being located approximately 13 kilometres north of the Sydney Central Business District. The site is located at 23 Forest Way, Frenchs Forest, refer to figure below which demonstrates the subject site and the relationship with adjoining properties.



*Figure 1: Site Location*

## 2.2 Site Description

The site is located at 23 Forest Way, Frenchs Forest, legally known as Lot B of Deposited Plan 377587, which has a site area of 744.2 square metres (by calculation). The site is bounded by similar residential properties to the northern and eastern boundaries, with Naree Road being to the south and Forest Way to the western boundary.

The site has direct street frontage with vehicular access to the site gained via Forest Way from the existing driveway.

## 2.3 Existing Site Conditions

<b>Landform</b>	The subject site is generally flat, with gentle slopes down to the rear of the site.
<b>Existing Structures</b>	The current improvements on site include a dwelling house and a detached garage.
<b>Access</b>	Vehicular access to the site is remaining unchanged.
<b>Vegetation</b>	The site is occupied by modified gardens, consistent with a residential property.

## 3. PROPOSED DEVELOPMENT

The proposal is for the demolition of the existing detached garage and the construction of a detached secondary dwelling.

Refer to the architectural plans for details of the proposal.

## 4. HEADS OF CONSIDERATION

The proposal has been assessed against the relevant legislative heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

### 4.1 Statutory Planning Framework and Compliance

#### 4.1.1 Environmental Planning Instrument

The following Environmental Planning Instruments are deemed relevant for the development application.

#### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The intent of this Environmental Planning Policy is to allow for consistent measures and controls to be applied to land of biodiversity significance and areas within critical water catchment areas. Specifically, this site is subject to Chapter 6, which sets controls for the Sydney Harbour Catchment to ensure water quality and the health of the river system. The site lies within the Sydney Harbour catchment and as such future land uses are to be considered in a regional context.

The proposed development incorporates appropriate stormwater measures (during construction and ongoing occupation of the dwelling). The construction measures include installation and maintenance of silt fencing during construction, temporary driveway constructed of crushed rock to contain sediment to the site. Occupational measures include roof water capture and reuse on site and overflow being connect councils drainage system ensuring that any stormwater that enters the Sydney Harbour catchment will not affect its health.

## **State Environmental Planning Policy (Sustainable Buildings) 2022**

The intent of this Environmental Planning Policy is to provide a statewide consistent approach to the implementation of the BASIX scheme to increase the thermal efficiency, reduce water and energy consumption of dwellings.

A BASIX Certificate has been provided, with all commitments to be implemented during the construction of the development, complying with Chapter 2 of the SEPP.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The intent of this Environmental Planning Policy is to allow for a consistent planning regime for infrastructure related development and to allow infrastructure related development in more flexible and diverse areas.

Clause 2.1119 Development with frontage to classified road states that;

*“(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

*(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

*(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”*

For this development, it is noted that alternate access to the site via a road that isn't a classified road is not possible, as access from Naree Road is not feasible due to the existing intersection with Forest Way. Further, access is existing from Forest Way and is not being altered through this development.

The safety, efficiency and ongoing operation of Forest Way will not be affected by this development as all vehicles accessing the site can enter and exit in a forward direction and are located within existing crossovers. There will be minimal smoke or dust created from the development. The volume or frequency of vehicles gaining access to the site from the classified road will not disrupt the operation of the classified road.

The development is not sensitive to road traffic as it is a secondary dwelling located behind an existing dwelling, which greatly reduces the noise impacts.

## **Warringah Local Environmental Plan 2011**

The Warringah Local Environmental Plan 2011 is the prevalent Local Environmental Plan for the site, with the Clauses of relevance for this development application addressed below

### **1.3 - Land to which Plan applies**

A review of the Land Application Map has determined that the subject site is within the boundaries of the Northern Beaches Local Government Area and falls within the Warringah Local Environmental Plan 2011.

### **1.6 - Consent Authority**

It is noted that the consent authority for this development application is Northern Beaches Council.

## **Clause 2.3 – Land Zoning and Land Use**

### *Permissibility*

The site is zoned as R2 Low Density Residential pursuant to the Warringah Local Environmental Plan 2011. The proposal is classified as a secondary dwelling. Secondary Dwellings are a permitted use in the R2 Low Density Residential Zone.

### *Zone Objectives*

The objectives of the R2 Low Density Residential Zone are;

- 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 proposal is consistent with the above-mentioned zoned objectives in that it maintains the low density residential character of the land, while providing for the housing needs of the community. The site has large landscaped areas, primarily adjacent to the street, ensuring the natural environment is maintained through the landscape setting when viewed from the streetscape.

## **Clause 4.3 – Height of Buildings**

The height of building map shows that the subject site is limited to a maximum height of 8.5m. The proposal has a building height of 4m and is compliant.

## **Clause 4.4 – Floor Space Ratio**

No floor space ratio provisions apply to the site.

#### **Clause 4.6 – Variations to Development Standards**

No variations to Development Standards are proposed.

#### **Clause 5.4 – Controls relating to miscellaneous permissible uses**

The proposal is for a secondary dwelling with a floor area that is equal to or less than 60sqm. This complies with Subclause (9) as 60sqm is the greater of the two.

#### **Clause 5.10 – Heritage Conservation**

It is noted that the property on the opposite side of Naree Street (21A Forest Way) is listed as a heritage item. The secondary dwelling have minimal impact upon the heritage significance of this item as the proposal is a small detached single storey secondary dwelling located in the rear yard and is not visible from the heritage item.

#### **Clause 6.4 – Development on Sloping Land**

The site is within “Area A” for the landslip risk, being land with a slope of under 5 degrees. The development has a low risk of landslide which will affect life or property as the site and surrounding areas are relatively flat which minimises the chances of landslides. Stormwater from the development will be appropriately disposed of and the subsurface conditions will not be impacted upon.

#### **Clause 6.10 – Development for the purposes of secondary dwellings in Zones R2 and R3**

This clause is not relied upon as the proposal is below 60sqm and it does not proposed to have the secondary dwelling within the principal dwelling.

#### **4.1.2 Proposed Environmental Planning Instrument**

There are no current proposed Environmental Planning instruments that are applicable to the site or the proposed development.

#### **4.1.3 Development Control Plan**

The relevant Development Control Plan is the Warringah Development Control Plan 2011, which relevant sections addressed below.,



## Warringah Development Control Plan 2011

### Part B Built Form Controls

B1 Wall Heights		
CONTROL	PROPOSAL	COMPLIANCE
1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	The walls have a height of 3m.	<b>Yes</b>

B2 Number of Storeys		
CONTROL	PROPOSAL	COMPLIANCE
1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	Not shown on this map, building is under LEP height and considered appropriate for the site.	<b>Yes</b>

B3 Side Boundary Envelope		
CONTROL	PROPOSAL	COMPLIANCE
1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of: • 4 metres, or • 5 metres as identified on the map.	Mapped as 4m. The proposal is wholly within the building envelope, noting the side wall is 3m in height, and the roof has a pitch below 45 degree, there it is within the envelope.	<b>Yes</b>
2. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side boundary envelope.	Not zoned R3.	<b>N/A</b>

B4 Site Coverage		
CONTROL	PROPOSAL	COMPLIANCE
1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as: • 33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and • 20% = 3,500m <sup>2</sup> or 30% <3,500m <sup>2</sup> - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m <sup>2</sup> where the total building footprint/s must not cover more than 30% of the site area.	Not mapped as having a maximum site coverage.	<b>N/A</b>

B5 Side Boundary Setbacks		
CONTROL	PROPOSAL	COMPLIANCE
1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to	Mapped as having 900mm side setbacks, which has been met with a 1m setback to the	<b>Yes</b>

maintain a minimum setback from side boundaries as shown on the map.	eastern boundary provided.	
2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	The side setback is landscaped.	<b>Yes</b>
3. On land within the R3 Medium Density Residential zone, above and below ground structures and private open space, basement car parking, vehicle access ramps, balconies, terraces, and the like shall not encroach the side setback except as provided for under Exceptions below.	Not an R3 zone.	<b>N/A</b>

<b>B7 Front Boundary Setback</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
1. Development is to maintain a minimum setback to road frontages.	No changes to the front setback, all works in rear.	<b>N/A</b>
2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	No changes to the front setback, all works in rear.	<b>N/A</b>
3. Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.	No changes to the front setback, all works in rear.	<b>N/A</b>
4. For land zoned E3 and not having frontage to Kamber Road or Kimbriki Road the minimum front building setback area is to be densely landscaped using locally occurring species of canopy trees and shrubs and free of any structures, carparking or site facilities other than driveways, letterboxes and fences.	No changes to the front setback, all works in rear.	<b>N/A</b>

<b>B9 Rear Boundary Setback</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
1. Development is to maintain a minimum setback to rear boundaries.	Rear setback is mapped as 6m, setback provided is 2.4m.	<b>Yes, see exception below.</b>
2. The rear setback area is to be landscaped and free of any above or below ground structures.	Rear setback is landscaped, it does contain the AC unit and rain water tank.	<b>Yes</b>
3. On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.	Not zoned R3.	<b>N/A</b>
4. The rear building setback for land zoned IN2 Light Industrial at Tepko Road that adjoins land zoned R2 Low Density Residential is not to be used for industrial purposes or vehicle access.	Not at Tepko Road.	<b>N/A</b>
5. The rear building setback for land zoned IN2 Light Industrial in the vicinity of Campbell Parade, Manly Vale is not to be used for	Not at Campbell Parade.	<b>N/A</b>

industrial purposes or vehicle access		
<b>Exceptions</b> <b>Corner Allotments on Land Zoned R2 or R3</b> On corner allotments for land zoned R2 Low Density Residential or R3 Medium Density Residential, where the minimum rear building setback is 6 metres, the rear building setback does not apply.	As this is a corner lot, the rear setback does not apply to this side.	<b>Yes</b>

## Part C Siting Factors

C3 Parking Facilities		
CONTROL	PROPOSAL	COMPLIANCE
1. The following design principles shall be met: • Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.; • Laneways are to be used to provide rear access to carparking areas where possible; • Carparking is to be provided partly or fully underground for apartment buildings and other large scale developments; • Parking is to be located so that views of the street from front windows are not obscured; and • Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.	Parking is on a hardstand area, hidden by existing fencing and landscaping.	<b>Yes</b>

C7 Excavation and Landfill		
CONTROL	PROPOSAL	COMPLIANCE
1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	Fill, if required will be clean material.	<b>Yes</b>
2. Excavation and landfill works must not result in any adverse impact on adjoining land.	No adverse impacts will arise to neighbouring properties from earthworks.	<b>Yes</b>
3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	Structural design will be prepared by a structural engineer who will take this into account.	<b>Yes</b>
4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	Earthworks will have minimal impacts upon waterways or drainage lines.	<b>Yes</b>
5. Rehabilitation and revegetation techniques shall be applied to the fill.	Noted.	<b>Yes</b>
6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.	Minimal impacts will arise to neighbouring properties.	<b>Yes</b>

C8 Demolition and Construction		
CONTROL	PROPOSAL	COMPLIANCE
1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be	Waste Management Plan details how waste will be managed.	<b>Yes</b>

accompanied by a Waste Management Plan.		
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C9 Waste Management		
CONTROL	PROPOSAL	COMPLIANCE
1. All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	Waste Management Plan details how waste will be managed.	<b>Yes</b>

## Part D Design

D1 Landscaped Open Space and Bushland Setting		
CONTROL	PROPOSAL	COMPLIANCE
1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and <a href="#">Bushland</a> Setting. To measure the area of landscaped open space: a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation; b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation; c) Landscaped open space must be at ground level (finished); and d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.	The site is mapped as requiring 40% landscaped area. This is complied with as 314sqm or 42% of the site is landscaped.	<b>Yes</b>
2. Where land is shown on DCP Map Landscaped Open Space and <a href="#">Bushland</a> Setting as " <a href="#">Bushland</a> Setting", a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural <a href="#">bushland</a> or landscaped with locally indigenous species.	Not mapped as "Bushland" setting.	<b>N/A</b>
3. In Cottage Point the relationship of the locality with the surrounding National Park and Cowan <a href="#">Creek</a> waterway will be given top priority by enhancing the spread of indigenous <a href="#">tree</a> canopy and protecting the natural landscape including rock outcrops and remnant <a href="#">bushland</a> .	Not located within cottage point.	<b>N/A</b>

D2 Private Open Space		
CONTROL	PROPOSAL	COMPLIANCE
1. Residential development is to include private open space for each dwelling.	Private Open Space has been provided.	<b>Yes</b>
2. The minimum area and dimensions of private open space are as follows:	A POS of 70sqm and 24sqm for the secondary dwelling is provided.	<b>Yes</b>

DWELLING Type	Area and Minimum Dimensions per dwelling	
Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m2 with minimum dimensions of 3 metres	
Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m2 with minimum dimensions of 5 metres	
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m2 with minimum dimensions of 2.5 metres	
3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.	Private Open Space is an extension of the internal living areas.	<b>Yes</b>
4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	Private Open Space maintains the privacy of residents through not being visible from adjoining properties.	<b>Yes</b>
5. Private open space shall not be located in the primary front building setback.	The POS for the principal dwelling will be located at the front of the dwelling, this is its current location and it is secluded through existing fencing and landscaping, which means it is not visible from the street.	<b>Yes</b>
6. Private open space is to be located to maximise solar access.	The POS is able to achieve sufficient solar access.	<b>Yes</b>

D3 Noise		
CONTROL	PROPOSAL	COMPLIANCE
1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the <a href="#">NSW Industrial Noise Policy</a> at the receiving boundary of residential and other noise sensitive land uses.	Noted.	<b>Yes</b>
2. Development near existing noise generating activities, such as industry and roads, is to be designed to mitigate the effect of that noise.	The secondary dwelling is shielded from road noise by the existing dwelling house.	<b>Yes</b>
3. <a href="#">Waste</a> collection and delivery vehicles are not to operate in the vicinity of residential uses between 10pm and 6am.	Waste collection is by Council.	<b>Yes</b>
4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.	Bedrooms are shielded by existing dwelling.	<b>Yes</b>
5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	Noted.	<b>Yes</b>

D6 Access to Sunlight		
CONTROL	PROPOSAL	COMPLIANCE
1. Development should avoid unreasonable overshadowing any public open space.	Overshadowing of public spaces is minimised through single storey design.	<b>Yes</b>
2. 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.	Both POS are able to achieve sufficient sunlight on the winter solstice.	<b>Yes</b>

D8 Privacy		
CONTROL	PROPOSAL	COMPLIANCE
1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	Single storey dwelling, no privacy concern to adjoining properties. Fence acts as a screen.	Yes
2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	Single storey dwelling, no privacy concern to adjoining properties. Fence acts as a screen.	Yes
3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	Single storey dwelling, no privacy concern to adjoining properties. Fence acts as a screen.	Yes
4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.	Single storey dwelling, no privacy concern to adjoining properties. Fence acts as a screen.	Yes
5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.	Single storey dwelling, no privacy concern to adjoining properties. Fence acts as a screen.	Yes

D9 Building Bulk		
CONTROL	PROPOSAL	COMPLIANCE
1. Side and rear setbacks are to be progressively increased as wall height increases.	Noted, the wall height is considered appropriate.	Yes
2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	There are no large areas of continuous walls.	Yes
3. 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: - The amount of fill is not to exceed one metre in depth. - Fill is not to spread beyond the footprint of the building. - Excavation of the landform is to be minimised.	The site is not sloping significantly enough to warrant sensitive design.	N/A
4. Building height and scale needs to relate to topography and site conditions.	Building height is appropriate for the site.	Yes
5. Orientate development to address the street.	Located in rear yard.	N/A
6. Use colour, materials and surface treatment to reduce building bulk.	Colours are appropriate for the size of the development.	Yes
7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Located in a rear yard.	N/A
8. Articulate walls to reduce building mass.	Articulation of walls not necessary to reduce building mass.	Yes

D10 Building Colours and Materials		
CONTROL	PROPOSAL	COMPLIANCE
1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	The proposal is not in a highly visible area.	N/A

2. The colours and materials of development on sites adjoining, or in close proximity to, <a href="#">bushland</a> areas, waterways or the beach must blend in to the natural landscape.	Not in close proximity to bushland areas.	<b>N/A</b>
3. The colours and materials used for <a href="#">alterations and additions</a> to an existing structure shall complement the existing external building façade.	Not an alteration or addition.	<b>N/A</b>
4. The holiday/fisherman shack character of the waterfront of Cottage Point is to be enhanced by the use of building materials which are sympathetic to the small timber and fibro cottages currently in existence on the waterfront. All buildings visible from the water are to utilise materials such as weatherboard, fibre cement, corrugated steel and timber. The use of masonry is discouraged.	Not located in this area.	<b>N/A</b>

<b>D11 Roofs</b>		
<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	No items detract from the roof.	<b>N/A</b>
2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	The roof pitch complements the dwelling.	<b>Yes</b>
3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	A porch has been provided, which assists in articulation.	<b>Yes</b>
4. Roofs shall incorporate eaves for shading.	Eaves have been provided.	<b>Yes</b>
5. Roofing materials should not cause excessive glare and reflection.	No glare or reflection will occur from this roof.	<b>Yes</b>
6. Service equipment, lift overruns, plant and other mechanical equipment on the roof shall be minimised by integrating as many services, etc as possible into the building.	No items detract from the roof.	<b>N/A</b>

#### 4.1.4 Planning Agreement

There are no current planning agreements that are applicable to the site.

#### 4.1.5 The Regulations

The proposed development is consistent with the Environmental Planning and Assessment Regulation 2021, as;

- It has been assessed against the applicable Environmental Planning Instruments and Development Control Plans requirements.
- The development application has been prepared and lodged in accordance with the Regulations and the approved form.
- The proposed development is considered a local development, as it does not meet the requirements for State Significant Development or Designate Development.



## 4.2 Environmental, Social and Economic impacts

The proposal will have a positive impact to the social and economic environment of the area, by providing employment and income to the local economy during construction of the proposal and then by contributing to the local housing stock.

## 4.3 Suitability of the Site

The proposed development is a permitted form of development within the locality, it will contribute and not detract from the residential environment. Sufficient measures will be implemented during construction to protect the environment. No significant constraints arise from the site itself or from adjoining properties which would inhibit the carrying out of the development.

## 4.4 Submissions

It is expected that any submissions will either be provided to the applicant to allow for the submission to be addressed or Council will act as a mediator in the matter.

## 4.5 The Public Interest

It is considered that the proposed development is within the public interest as;

- The proposal is consistent with the relevant objectives of the applicable Environmental Planning Instruments and Development Control Plans.
- The proposal will allow for the orderly development of the site, such that is expected and consistent of a residential zone.
- The proposal will allow for housing to be provided within the local area.

## 5. OTHER APPROVALS

### 5.1 Integrated Development

Integrated Development is development that requires additional approval in addition to development consent. Section 4.46(1) of the Act provides a list of these approvals, as detailed below;

ACT	PROVISION	APPROVAL	REQUIRED
Coal Mine Subsidence Compensation Act 2017	s 22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	<b>No</b>
Fisheries Management Act 1994	s 144	aquaculture permit	<b>No</b>
	s 201	permit to carry out dredging or reclamation work	<b>No</b>
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	<b>No</b>
	s 219	permit to— (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction,	<b>No</b>



		across or within a bay, inlet, river or creek, or across or around a flat	
Heritage Act 1977	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	<b>No</b>
Mining Act 1992	ss 63, 64	grant of mining lease	<b>No</b>
National Parks and Wildlife Act 1974	s 90	grant of Aboriginal heritage impact permit	<b>No</b>
Petroleum (Onshore) Act 1991	s 16	grant of production lease	<b>No</b>
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	<b>No</b>
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	<b>No</b>
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	<b>No</b>
Roads Act 1993	s 138	consent to— <ul style="list-style-type: none"> <li>• (a) erect a structure or carry out a work in, on or over a public road, or</li> <li>• (b) dig up or disturb the surface of a public road, or</li> <li>• (c) remove or interfere with a structure, work or tree on a public road, or</li> <li>• (d) pump water into a public road from any land adjoining the road, or</li> <li>• (e) connect a road (whether public or private) to a classified road</li> </ul>	<b>No</b>
Rural Fires Act 1997	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	<b>No</b>
Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	<b>No, not within 40m of a water course</b>

As detailed above, the subject development is not integrated development.

## **6. CONCLUSION**

The proposal seeks consent for the demolition of an existing detached garage and the construction of a detached secondary dwelling.

The proposal is consistent with the relevant Environmental Planning Instruments including the Warringah Local Environmental Plan 2011, the applicable Development Control Plan and is considered to be an acceptable form of development.

Accordingly, it is recommended that the application be approved.