

STATEMENT OF ENVIRONMENTAL EFFECTS

204 BANTRY BAY ROAD, FRENCHS FOREST

CONSTRUCTION OF A NEW TWO STOREY DWELLING

**PREPARED ON BEHALF OF
Masterton Homes Pty Ltd**

DECEMBER 2024

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	SITE DESCRIPTION AND LOCALITY	4
3.	THE DEVELOPMENT PROPOSAL	8
4.	ZONING & DEVELOPMENT CONTROLS	9
5.	EP&A ACT – SECTION 4.15	18
6.	CONCLUSION	19

1. INTRODUCTION

This application seeks approval for the construction of a new two storey dwelling upon land at Lot 13 in DP 270902 which is known as **No. 204 Bantry Bay Road, Frenchs Forest**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by United Surveyors, Ref No. 13798-1, Revision A and dated 19/06/2024.
- Architectural Plans prepared by Masterton Homes, Revision 10 and dated 1/11/2024.
- Landscape Plan prepared by Conzept Landscape Architects, DWG No. LPDA 25-2019348, Issue A and dated 06/11/2024.
- Stormwater Management Plan prepared by NY Civil Engineering, Ref No. E240606, Issue A and dated 22/11/2024.
- Bushfire Assessment Report prepared by Bushfire Consulting Services Pty Ltd, Ref No. J24/0727 and dated 25/11/2024.
- BASIX Certificate #1772992S_02 and dated 14 November 2024.
- Schedule of External Finishes.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 13 in DP 270902 which is known as 204 Bantry Bay Road, Frenchs Forest. The site is a rectangular shaped allotment located at the western side of Bantry Bay Road. The site has an area of 600.3m² with a depth of 36.605m. The sites eastern boundary has a frontage of 16.4m to Bantry Bay Road. The locality is depicted in the following map:



Site Location Map

The site is currently vacant and has been previously cleared of majority of vegetation. The site is part of a previous subdivision of land.

The site is a gently sloping allotment, with a fall from the Bantry Bay frontage (RL121.61) towards the rear boundary (RL117.0).

As easement for drainage, 1.5m wide, (identified as 'A' on the survey) extends the length of the rear boundary. An easement for electricity purposes (identified as 'B' on the survey) runs parallel to the front boundary.

The site is depicted in the following photographs:



View of Subject Site from Bantry Bay Road

The existing surrounding development comprises recently constructed large two storey dwellings. The site is located in close proximity to community facilities and a number of playing fields.

The subject site and existing surrounding development are depicted in the following photographs:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of a new two storey dwelling with associated landscape and stormwater works. The dwelling is to be constructed of a mixture of face brick and cladding with a tiled pitched roof.

The proposed dwelling is located centrally on the site and is setback at least 6.5m to the boundary fronting Bantry Bay Road as measured from the wall of the dwelling with the garage setback 7.7m. Setback of 2.0m and 1.5m are provided to the sites northern and southern boundaries, respectively. A setback of 7.645m is provided to the rear boundary.

The dwelling will comprise the following:

Ground Floor: Entry, guest room, powder room, home theatre, kitchen, family/dining room, laundry and double garage.

First Floor: Four bedrooms (each with ensuite) and lounge room.

The proposal provides for all collected stormwater to be discharged to the existing drainage easement via a rainwater reuse tank with a capacity of 3,000L.

The proposal will result in the following numerical indices:

Site Area: 600.3m²
Proposed Landscaped Area: 242.3m² or 40.4%

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

4.1 Planning for Bushfire Protection 2019

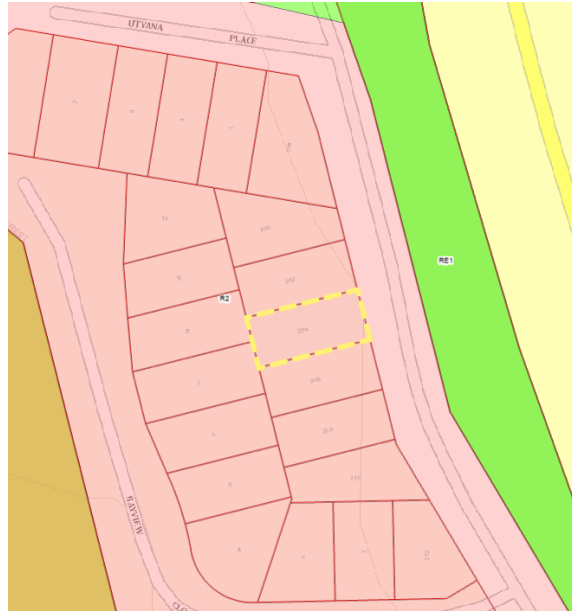
The subject site is identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2019 apply. A Bushfire Assessment Report has been prepared by Bushfire Consulting Services which in summary provides:

This report consists of a bush fire assessment for the proposed residential development of a new dwelling at Lot 13 DP 270902, 204 Bantry Bay Road Frenchs Forest. The report concludes that the proposed development is on designated bushfire prone land and the legislative requirements for development in bushfire prone areas are applicable.

This report has considered all the elements of bushfire attack and finds that the development has a Bushfire Attack Level of BAL 29 to the north, east and south and BAL 19 to the west. The development satisfies the Objectives and Performance requirements of 'Planning for Bush Fire Protection' 2019, subject to implementation of the recommendations made by this report.

4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



Extract of Zoning Map

The site is zoned R2 Low Density Residential. Development for the purposes of a dwelling house is permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	8.675m	Clause 4.6 Variation request submitted.

Clause 6.4 Development on Sloping Land

The site is classified as Class A on Council's Landslip Map. No further information is required in this regard.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	Wall height is approximately 7.75m in height. This is a minor non-compliance which is restricted to the rear of the dwelling which is not visible from the public domain. These elements are well setback from the side boundaries (at least 2m) which provide an appropriate separation to the adjoining built form.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	The rear southwest corner of the dwelling encroaches the building envelope. However, the non-compliance is considered justified in this instance for the following reasons: <ul style="list-style-type: none"> • The non-compliance is at the rear of the dwelling and not visible from the street. • This element is setback 2.0m from the side boundary and is provided with appropriate visual separation to the adjoining built form.

Clause	Requirement	Compliance
		<p>The setback is also sufficient to support screen planting to a height of 6-8m.</p> <ul style="list-style-type: none"> • The non-compliance is a direct result of the slope of the site. • The non-compliance is adjacent to the northern boundary and does not contribute to overshadowing of the adjoining properties.
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Setbacks of 2.0m and 1.5m provided to the northern and southern boundaries, respectively.
B7 – Front Boundary Setbacks	<p>Minimum 6.5m</p> <p>Secondary frontage 3.5m</p>	<p>Yes</p> <p>The proposed dwelling provides for a setback of at least 6.5m to the Bantry Bay Road frontage.</p> <p>Not Applicable.</p>
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	<p>6.5m</p> <p>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.</p>	<p>Yes</p> <p>Dwelling is setback 7.645m to the rear boundary.</p>
B11 – Foreshore Building Setback	Not applicable	Not Applicable

Clause	Requirement	Compliance
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes The proposal provides for a new vehicular crossing in accordance with Council controls.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes Proposal provides parking for two cars within the garage which is integrated into the dwelling design.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will discharge to the existing drainage easement via rainwater reuse tanks.
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Minimal excavation/fill required. Existing ground levels adjacent to the boundaries of the site are being retained.

Clause	Requirement	Compliance
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes There is sufficient area behind the building line for the storage of waste containers.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Yes The proposal provides for a landscaped area of 40.4% which complies with this clause.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes There is sufficient private open space in the rear yard which is located immediately adjacent to the internal living areas.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes The dwelling will receive good solar access throughout the year. A BASIX certificate has been issued and forms part of the submission to Council.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both	Yes Shadow diagrams have been submitted with the application.

Clause	Requirement	Compliance
	the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	The proposal continues to maintain at least 3 hours of solar access to private open space and living areas of the adjoining properties. The proposal complies with this clause.
D7 - Views	View sharing to be maintained	Yes The surrounding properties do not currently enjoy any significant views.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The proposed dwelling has been designed to maintain privacy to the adjoining properties. This has been achieved by locating the majority of high use living areas on the ground floor. Whilst the upper level provides for a lounge room, this room provides for only one window on the northern elevation which is a highlight window. The lounge room is room is orientated towards the street and will not reduce privacy to the adjoining properties.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The proposed dwelling is well articulated through the use of varied setbacks and change in external finishes. The proposal is compatible with the existing surrounding development.

Clause	Requirement	Compliance
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to complement the existing surrounding development and the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposed incorporates a traditional pitched roof form which is compatible with the local skyline.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
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.	Not Applicable
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.	Yes There is ample area on site for storage and site facilities.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Yes

Clause	Requirement	Compliance
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.	Not Applicable
D17 – Tennis Courts	N/A	Not Applicable
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The dwelling entry is orientated towards Bantry Bay Road and provides views of the street and the dwelling approach.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes
D23 - Signs	Not Applicable	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Yes The site has been previously cleared and the proposal does not require the removal of any trees.
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E5 – Native Vegetation	Not identified on map	Not Applicable
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as A	Yes No further information is required.
E11 – Flood Prone Land	Not Applicable	Not Applicable

There are no other provisions of the DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of a new dwelling house and associated works are permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

The Likely Impacts of the Development

It is considered that the development will provide for the construction of a new two storey dwelling without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant vegetation and there is no detrimental impact on the adjoining properties.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a new two storey dwelling in this zone is permissible with the consent of Council. The resultant building is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for a new dwelling that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction of a new two storey dwelling and associated landscape and drainage works. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed dwelling does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of a new two storey dwelling upon land at **No. 204 Bantry Bay Road, Frenchs Forest** is worthy of the consent of Council.

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