

Statement of Environmental Effects

New dwelling-house and pool

67 Woolgoolga Street, North Balgowlah



Report prepared for
Jason Hollier and Kate Lucas

Prepared by:
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April 2025

Table of Contents

1. INTRODUCTION	2
2. THE SITE & LOCALITY	3
2.1 The Site	3
2.2 Surrounding Development	5
3. THE PROPOSAL	7
4. CONSIDERATION OF STATUTORY CONTROLS AND POLICIES	9
4.1 State Environmental Planning Policy (Sustainable Buildings) 2022	9
4.2 State Environmental Planning Policy (Resilience and Hazards) 2021	9
4.3 Warringah Local Environmental Plan 2011	9
4.4 Warringah Development Control Plan 2011	13
5. OTHER MATTERS FOR CONSIDERATION UNDER S79C	22
6. CONCLUSION	23

1. Introduction

This Statement of Environmental Effects has been prepared by Natasha Harras Urban Planning on behalf Jason Hollier and Kate Lucas to accompany a Development Application seeking approval for construction of a new two-storey dwelling and pool at 67 Woolgoolga Street, North Balgowlah.

For a full description of the proposal refer to Section 3.

This document has been prepared to accompany the Development Application pursuant to the requirements of the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2021.

The purpose of this document is to describe the existing site (Section 2), detail the proposed development (Section 3), review the applicable planning controls relating to the proposal and assess the degree of compliance (Section 4) and examine the collective environmental effects of the development when measured against the criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (Section 5).

The assessment concludes in Section 6 that the proposed development is consistent expectations for the site under planning controls, without any adverse consequences to the environment or the area generally and is therefore recommended to Council for approval.

This statement should be read in conjunction with the following plans and reports submitted under separate cover:

- Site Survey by TSS Total Surveying Solutions
- Architectural Plans by SixtoEight
- Arboricultural Impact Assessment by Treeism
- Stormwater Management Plan by Stellen Consulting
- Basix Certificate 1789564S by Paul & David Consulting
- NatHERS Certificate by Paul & David Consulting
- Waste Management Plan
- Preliminary Geotechnical Assessment by AscentGeo
- Clause 4.6 Building Height Variation by Natasha Harras Urban Planning

2. The Site & Locality

2.1 The Site

67 Woolgoolga Street North Balgowlah is located at the end of the Woolgoolga Street cul-de-sac as shown in **Figures 1** and **2**. It has a legal description of Lot 29 in DP 23447.

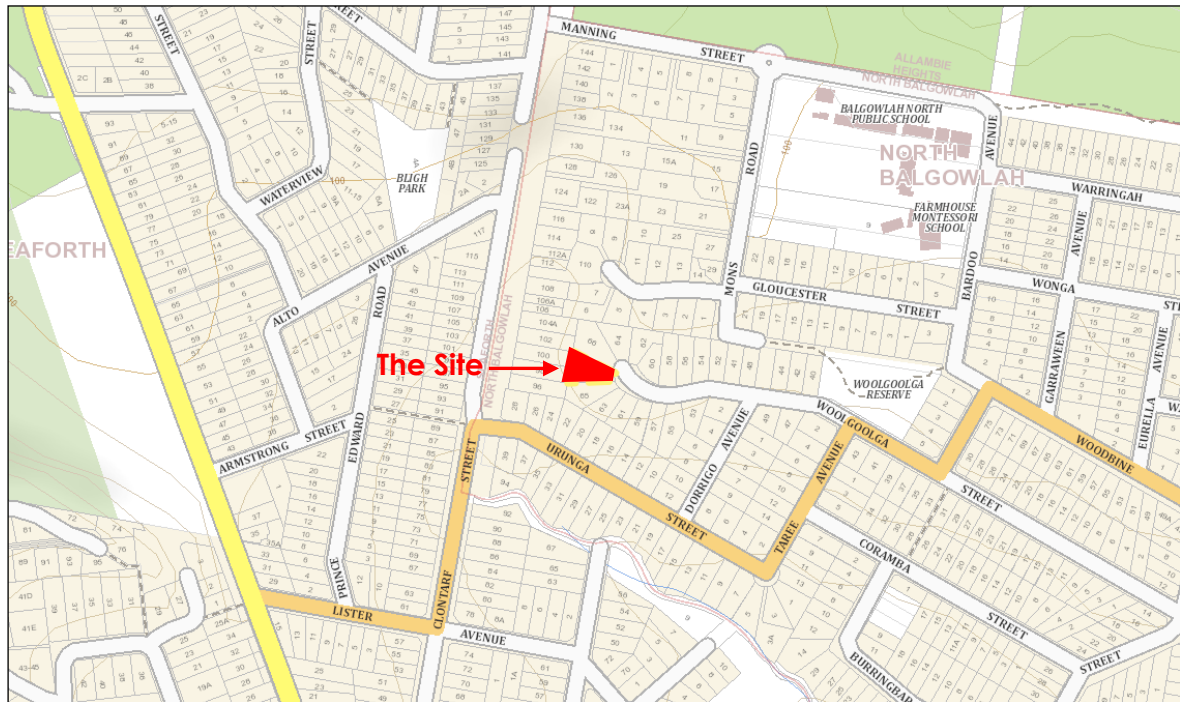


Figure 1: Site location



Figure 2: Aerial view of site

The total site area is 878m². The site is segment shaped, with a narrow (8 metre) frontage to the Woolgoolga Street cul-de-sac, a depth of 46 metres and a rear boundary of 32 metres. The land slopes from the north-east (street) to the south-west (rear) with a cross-fall of around 4.75 metres. The site previously included a dwelling house but is currently vacant, other than approximately 4 trees and other plantings.



Figure 3: Subject site as viewed from Woolgoolga Street



Figure 4: Subject site looking towards the rear boundary

2.2 Surrounding Development

The site is located in North Balgowlah, an area characterised predominantly by free-standing dwelling houses on large lots. Dwellings present in a wide variety of styles and finishes including traditional single storey dwellings with hipped and gable roof forms, which over time are being replaced by newer building stock, typically 2 storeys in scale in a wide range of both contemporary and more traditional styles. The diversity of local housing stock and presentation to the streetscape is influenced by the:

- Varying topography within the neighbourhood.
- Successive stages of development and redevelopment of existing dwellings including changes in architectural style and finishes over time.
- Different types and quantities of internal landscaping and street tree planting and landscaping.
- Varying setbacks and wall heights to the street frontage, neighbouring development and rear boundaries.

The emerging character of the neighbourhood is one of older buildings being modernised and extended or replaced with new stock. This reflects the high levels of local amenity as well as excellent accessibility to services, transport, schools, recreation, health care and local and strategic centres.

Immediately adjoining the site to the north, no 66 Woolgoolga Street is a single storey original timber clad and tile roof dwelling house, and immediately adjoining to the south, no 65 Woolgoolga Street is a 30-year-old 1 – 2 storey timber clad and metal roof dwelling-house.



Figure 5: The site (prior to demolition of the dwelling) and adjacent development

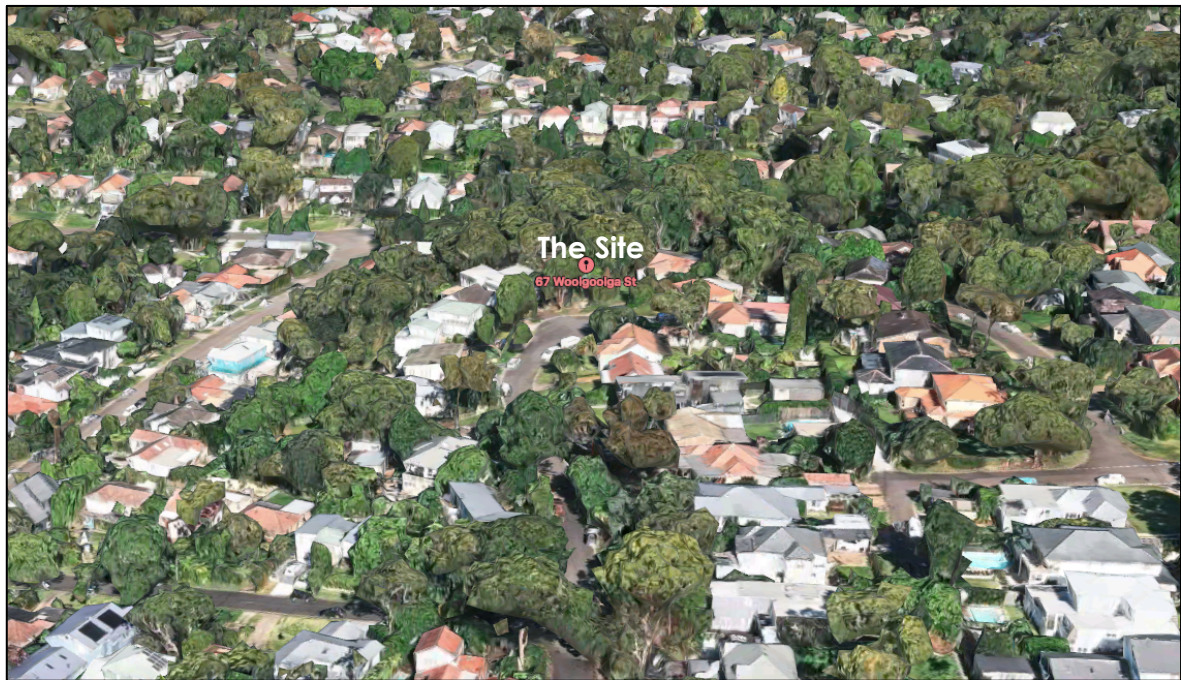


Figure 6: Aerial view of the site in the wider context

As seen in figures 1 and 2, the rear boundary of the site also adjoins the rear boundary of 98 and 100 Clontarf Street. Due to the topography of the area, the dwelling on No 98 is located well below the level of the subject site and is not readily apparent from the site. The dwelling on No 100 is located closer to the rear boundary, with a setback of approximately 8 metres. As viewed from the site, it presents as a single storey timber clad dwelling with metal roof.

3. The Proposal

The proposed development involves :

- Removal of 1 tree and site preparation works;
- Construction of a new two-storey dwelling;
- New swimming pool; and
- Associated landscaping including new plantings, retaining walls and site facilities.

The proposed new dwelling is designed as a unique, contemporary, architecturally designed house that meets the needs of the occupants while presenting a visually interesting built form that will positively contribute to the local building stock and the streetscape.

The building footprint responds to the shape of the site, and the desire to retain a significant tree, being a 17 metre Smooth barked Apple tree located centrally on the site. The proposed dwelling incorporates two wings each following the line of a side boundary and connected by a generous entry hallway and feature staircase. The built form is two storeys in scale, stepping down to a single storey element at the rear, with the footprint setback from the tree.

The building presents articulated facades on all elevations, with stepping in building massing and variation in building materials and window openings. Proposed building materials include painted timber cladding, feature timber-look battened wall elements, openings of natural powder coated aluminium with grey shading elements, and grey Colourbond roof. The proposed roof form is also varied, including hipped, gable ends, skillion and flat roof elements, presenting a visually interesting appearance that responds to the wide variety of roof forms seen in the streetscape, while also maximising solar access and light within the dwelling.

The proposed ground floor level includes open plan living area and kitchen, guest room, bathrooms, laundry, garage and storage area. The proposed first floor level includes four bedrooms, a media room and two bathrooms.

The proposed works also include a swimming pool and associated pool deck, which due to the slope of the land, will be partially elevated above ground level at the western edge of the site to provide a more seamless connection to the dwelling and private open space areas.

New landscaping works are proposed to all outdoor areas, including new driveway and hard landscape areas as well as new plantings of dense Viburnum shrubs to key boundary locations to improve privacy outcomes and new turf elsewhere. The south-western corner of the site which currently falls away steeply is proposed to be formalised with log retaining walls and plantings. The north-western corner of the site will be retained to form an above ground turfed on-site detention area.

All proposed works are depicted on the architectural plans by SixtoEight.

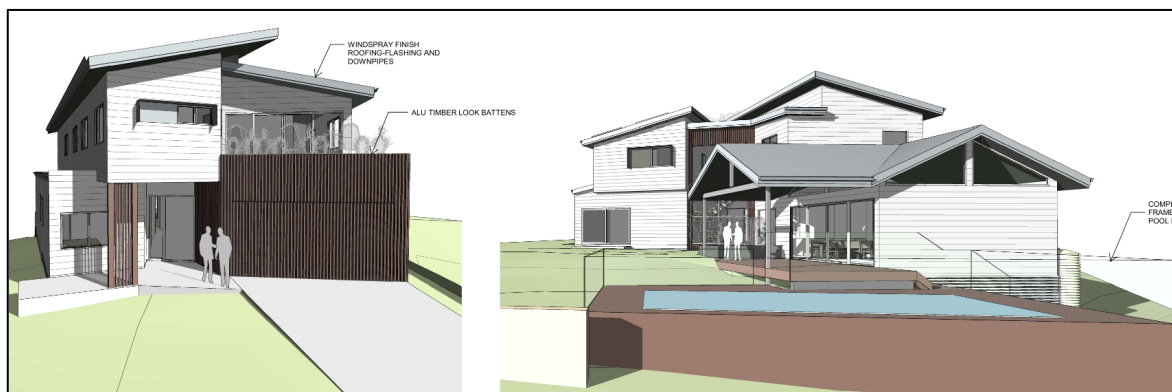


Figure 7: Perspective images of the proposal as viewed from the street (left) and the rear (right)

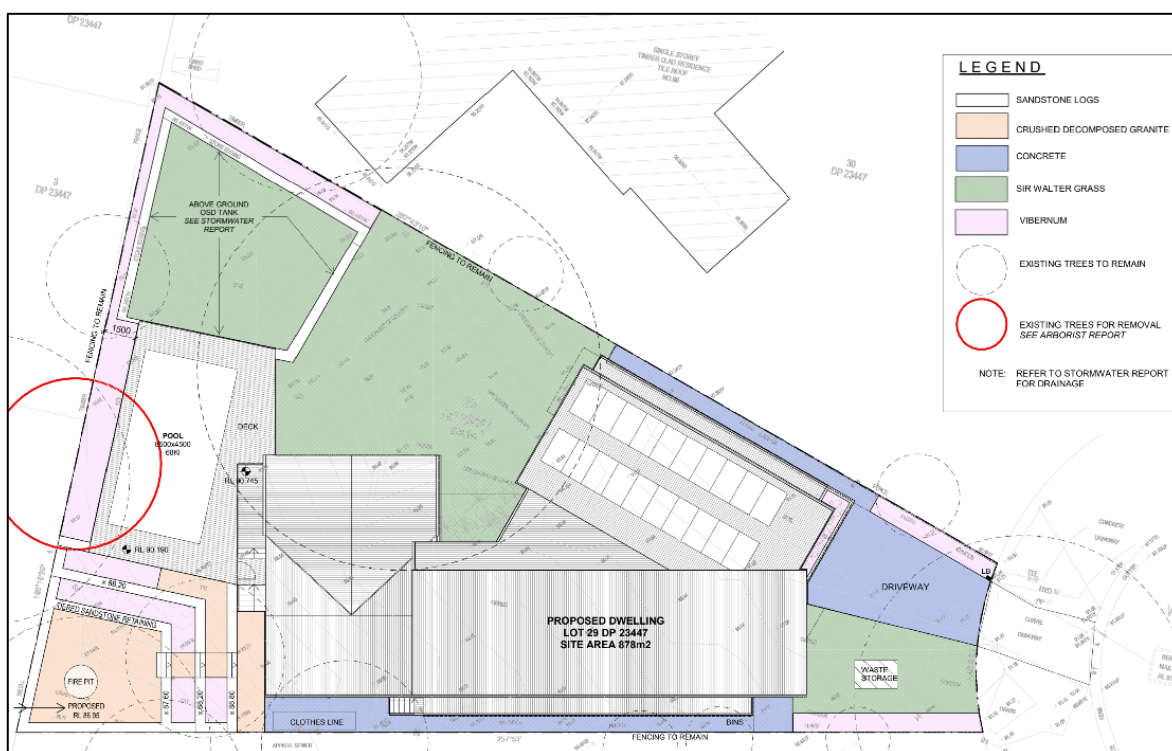


Figure 8: Proposed site layout and landscaping arrangements

4. Consideration of Statutory Controls and Policies

The following statutory and development controls are applicable to the proposal and required to be considered under s4.15(1)(a)(i) of the Act:

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

4.1 State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021*, the proposal is accompanied by BASIX certificate, which meets the requirements set out in the Sustainable Buildings SEPP and demonstrates that embodied emissions attributable to the development have been quantified through the BASIX certification process.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the Resilience and Hazards SEPP requires consideration of whether the land is contaminated. Requirements under the clause for a preliminary site investigation are not triggered in this case as the proposal does not include a change of use, but retains the residential use of the site. Further, historical aerial views demonstrate that prior to development for residential purposes, the site and surrounding area was relatively inaccessible bushland and therefore was never used for a 'Table 1' purpose. On this basis Council can be satisfied that the land is not contaminated, and no further investigation is required under the SEPP.

4.3 Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan (WLEP) 2011 is the primary planning instrument applicable to the site. Relevant clauses of the LEP that apply to the proposed development are considered below. It is noted that the site is not affected by heritage, acid sulfate soils, bushfire, flooding or biodiversity values under WLEP 2011.

Clause 2.3: Zone Objectives and the Land Use Table

The subject site is within the R2 'Low Density Residential' zone. 'Dwelling houses' (and ancillary development including pools) are permissible in the zone with consent.

The proposed development meets the objectives of the zoning as follows:

Zone Objective	Proposal
(a) To provide for the housing needs of the community within a low-density residential environment.	The proposed development will deliver new housing in a low-density residential environment.

(b) To enable other land uses that provide facilities or services to meet the day to day needs of residents;	Not applicable.
(c) 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 specifically designed to enable retention of a very large significant tree on the site and includes new landscaping to make a positive contribution to the character of the area.

Clause 4.3 and Clause 4.6: Height of Buildings and Exceptions to Development Standards

Clause 4.3 provides that the maximum height of buildings on the land is 8.5 metres.

The proposal has generally been designed to comply with the 8.5 metre height control, although one small section of the roof form would slightly exceed the height control (by up to 43 centimetres at its highest point). The variation enables a continuation of the roof line and roof pitch on the southern wing of the building to ensure a harmonious appearance to the overall building presentation.

The extent of the variation is shown in Figures 9 - 11. The figures demonstrate that the non-complying roof element:

- represents a very minor deviation from the height control,
- is centrally located on the site so that it would not affect how the building presents to the adjoining development,
- would not result in any material additional overshadowing compared to a compliant scheme,
- is unrelated to windows or floor levels and therefore does not result in any privacy impacts,
- does not impact on any views, and
- would not be visible from any public place or impact on the scenic qualities of the area.

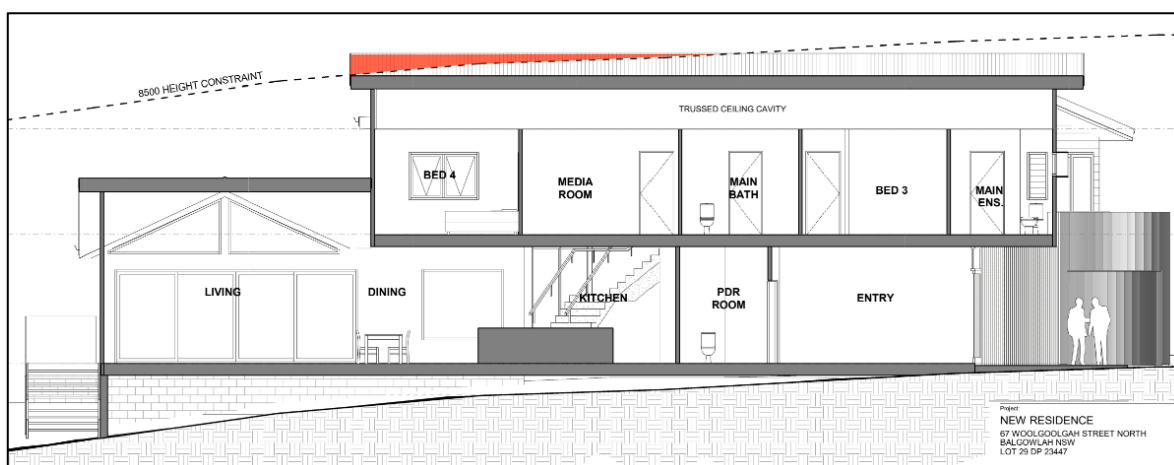


Figure 9: Section with variation to building height control highlighted in red

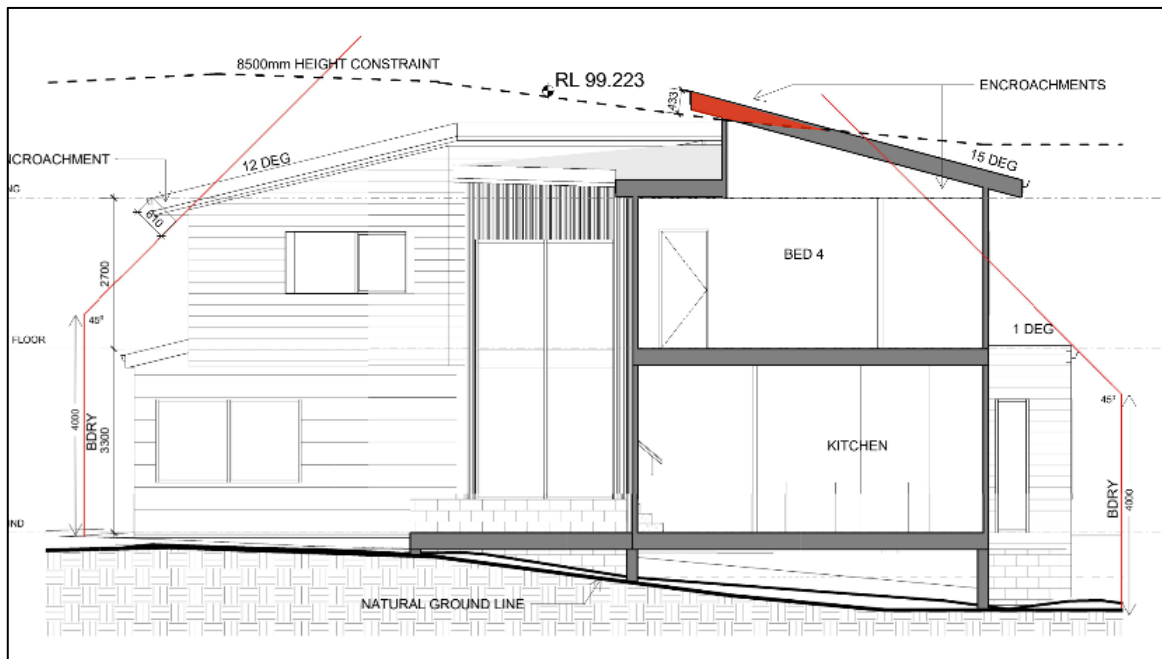


Figure 10: Section with variation to building height control highlighted in red

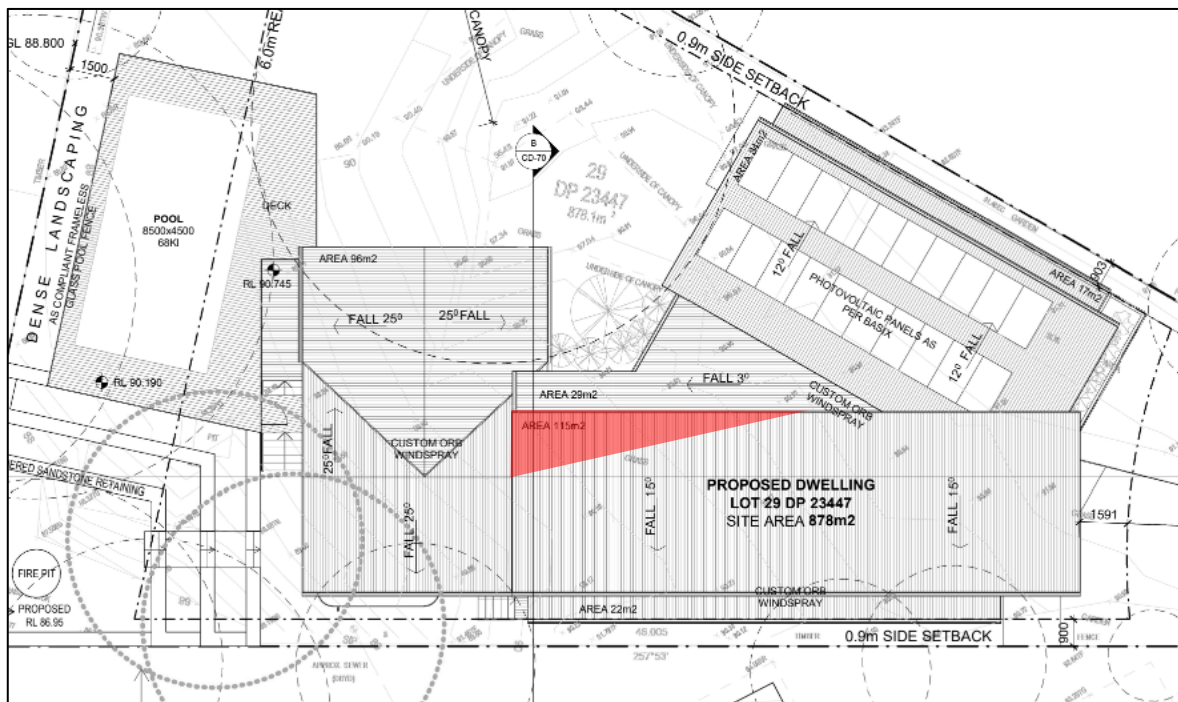


Figure 11: Roof plan with variation to building height control highlighted in red

As such the minor deviation would not affect achievement of the objectives of the height control, and no benefits would be gained by lowering the roof pitch at this location to achieve technical compliance. Rather, technical compliance would result in an awkward appearance to the roof form.

Clause 4.6 of the LEP anticipates some level of variation in compliance with development standards and seeks to enable flexibility in the application of the standards. As such, a variation is sought in accordance with clause 4.6 (refer report under separate cover). The 4.6 request demonstrates that compliance with the standard is unreasonable and unnecessary in the circumstances.

Clause 6.4: Development on Sloping Land

For all land within Areas A, B, C, D or E on the Landslide Risk Map, clause 6.4 requires consideration of:

- risk associated with landslides in relation to both property and life,
- impacts due to stormwater discharge, and
- impacts to sub-surface flow conditions.

The majority of the site, including the dwelling footprint, is located within 'Area A' of the landslide risk areas, having a slope of less than 5 degrees. As the site has no history of slope instability, and no significant excavation or fill is proposed, a geotechnical report is not required for this aspect of the proposal (as per E10 of the DCP, discussed below in **Section 4.4**).

However, a portion of the rear of the site (incorporating the part of the swimming pool and some tiered retaining walls) is located in 'Area B', being a flanking slope from 5 to 25 degrees. As required by the DCP, a preliminary geotechnical assessment has therefore been prepared by AscentGeo and accompanies this application.

The assessment finds that there is no evidence of significant settlement, slope instability, undercutting, jointing or other geotechnical hazards. It also finds that due to the position of the site and underlying geology, no significant standing water table would influence the site. The report concludes the proposal is considered to constitute an 'acceptable' risk to life and 'low' risk to property, subject to recommended measures outlined within the report, including measures relating excavation management, design of footings and retaining structures, sediment and erosion control, and stormwater disposal. It is proposed to carry out the development in accordance with the recommendations of the geotechnical report, and it is expected these would be secured through an appropriate condition of consent.

Given the modest nature of the proposed building works within Area B, and the findings of the preliminary assessment, Council can be satisfied that the development will not result in any unacceptable risk of landslides, nor will there be any change to subsurface flow conditions. Further, stormwater plans have been designed to ensure stormwater will be captured and discharged from the site in accordance with Council controls and the recommendations of the preliminary assessment.

4.4 Warringah Development Control Plan 2011

The proposal is assessed against the relevant controls of the DCP as follows.

Part B – Built Form Controls

B1 Wall Heights: *complies*

With a maximum wall height of 7.2 metres, the proposal has been designed to comply with the wall height control established by the DCP.

B3 Side Boundary Envelope: *minor variation, acceptable on merit*

The proposal has been designed to generally comply with the side boundary envelope control established by the DCP, noting the control does not apply to facias or eaves. There is one minor exception, at the south-west corner of the building, and shown in red in Figure 12.

The variation is due to the slope of the land and enables a continuation of the roof line and roof pitch on the southern wing of the building to ensure a harmonious appearance to the overall building presentation. The variation also arises due to the desire to locate building massing away from a significant tree to ensure its retention and longevity. Re-location of building massing away from the boundary towards the centre of the site to ensure strict compliance with the control would likely adversely impact the tree (discussed further in relation of section E1 of the DCP, below).

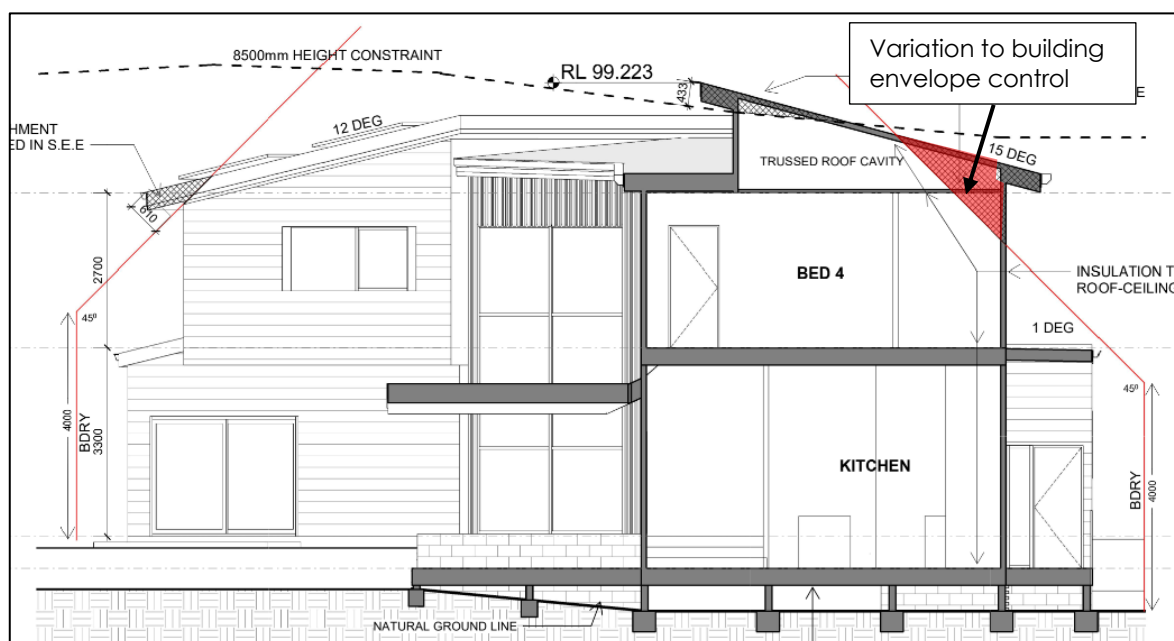


Figure 12: Section with variation to building envelope control highlighted in red

Despite the minor encroachment, the proposal achieves the objectives of the control as it:

- will not present as unduly visually dominant – retaining a wall height of only 7.2 metres as permitted by the DCP,
- relates to only a part of the building and is offset by the rest of the building which sits comfortably under the envelope control, so that overall, the building does not present as bulky in its context,

- does not result in any privacy impacts, noting there are no windows in the non-compliant part of the elevation,
- does not adversely affect building separation, noting the adjoining dwelling is located 7 – 9 metres away from the non-compliant part of the façade,
- does not materially affect light and solar access to the adjoining premises, which will continue to receive 3 hours of solar access as required by the controls (refer to discussion below). While a fully compliant scheme may slightly reduce shadowing impacts to the neighbours, the improvements would be marginal and barely discernible compared to the scheme as proposed,
- responds appropriately to site topography.

The proposal is therefore acceptable on merit.

B5 Side Boundary Setbacks: *complies*

The proposal fully complies with the 0.9 metre side setback control, with walls setback 0.9 metres from the side boundaries. Eaves would have a setback of 0.775 metres from the boundaries, and in this regard meet the minimum setback requirement of 0.675 metres as provided by section B3 of the DCP.

B7 Front Boundary Setbacks: *complies*

The proposal has also been designed to fully comply with the 6.5 metre front boundary setback established by the DCP. Other than the driveway, letterbox, and waste storage, the front setback area will be landscaped and free of structures in accordance with the DCP.

B9 Rear Boundary Setbacks: *complies*

No part of the proposed dwelling encroaches into the required 6 metre rear setback established by the DCP.

As permitted by the DCP, the swimming pool would encroach into the rear setback, however as required, it would occupy less than 50% of the setback area and it would meet the objectives of the control in that:

- extensive deep soil landscape areas are retained on the site and the proposal exceeds landscaped open space requirements (refer to relevant section below),
- the pool would not be visible from adjoining sites and therefore the rear setback area would still create a sense of openness in rear yards and would not affect the overall existing visual continuity and pattern of buildings, rear gardens and landscape elements in the locality,
- the proposed development including the pool would not result in material visual privacy impacts to adjoining development noting that dense boundary landscaping is proposed between the proposed pool and the adjoining premises.

Part C – Siting Factors

C2 Traffic, Access and Safety: *complies*

No material changes are proposed to the existing vehicular access arrangements and no new vehicle crossings are required.

C3 Parking Facilities: *complies / acceptable on merit*

The proposal provides parking for 2 cars in a double garage in accordance with DCP recommendations.

Due to the shape of the allotment with a limited / narrow frontage, the garage is required to occupy slightly more than 50% of the front façade, being the maximum recommended by the DCP (the garage would occupy approximately 53% of the façade width). However, the garage has been designed with a width of less than 6 metres as recommended by the DCP, and rather than being a dominant unattractive element, has been designed as an attractive architectural feature that adds visual interest and makes a positive contribution to the presentation of the building within the streetscape, as seen in Figure 13. This feature, in conjunction with the variation in building massing, variety in building materials, finishes and openings, interesting roof form, and incorporation of a planter above the garage, ensures that overall the dwelling would present a very high quality and visually interesting façade to the street, and in this regard the proposed garage would be consistent with the DCP objectives of minimising adverse visual impacts to the street.



Figure 13: Perspective drawing of front facade

C4 Stormwater: *complies*

The proposal has been designed in accordance with Council's controls for stormwater, including provision for on-site detention: refer to Stormwater Management Plan accompanying this application. The proposed stormwater management measures will

ensure the proposal does not result in any adverse downstream impacts in terms of the quantum or quality of stormwater run-off from the site.

C7 Excavation and Landfill: *complies*

No significant excavation or landfill is proposed. Minor areas of cut and fill are proposed to enable provision of level building platforms, with clean excavated material re-used for fill on site where possible. Some excavation is also required for the pool (up to 1.48m). A small amount of cut I is also proposed to formalise and create a usable tiered landscaped area in the south-western corner of the site, where the site falls away steeply, and otherwise would not be useable. The stepped arrangement ensures geological stability, and levels at the boundary will closely reflect existing ground levels and will not result in adverse impacts for adjoining premises. As such no adverse impacts will arise from the proposal in this regard. Refer also to Preliminary Geotechnical Assessment under separate cover which demonstrates that proposed cut and fill do not give rise to any geotechnical concerns.

C8 Demolition and Construction and C9 Waste Management: *complies*

No demolition work is proposed.

All construction works will be carried out in accordance with relevant standards and conditions of consent to ensure there are no unreasonable impacts to the amenity of the surrounding area.

As required, a waste management plan is submitted with the application. Adequate bin storage facilities have been incorporated into the plans with easy access to collection points for waste contractors.

Part D – Design

D1 Landscaped Open Space and Bushland Setting: *complies*

The proposal provides landscaped open space equivalent to 44% of the site area, exceeding the 40% recommended by the DCP.

D2 Private Open Space: *complies*

The proposal provides large private open space areas including the rear deck and adjoining rear garden. As required by the DCP, this area:

- exceeds 60m² and has dimensions exceeding 5 metres,
- is directly accessible from and will serve as an extension to the living area,
- is located in the rear yard and provides privacy for occupants,
- would not impinge on the privacy of neighbours, and
- has a northern orientation and therefore excellent solar access.

D3 Noise: *will comply*

Pool plant will be enclosed. As with all proposed mechanical plant and equipment, is subject to final selection and design but will be installed in accordance with manufacturers requirements and any conditions of consent to ensure noise levels do not result in unacceptable impacts to neighbours or exceed background noise by more than 5 decibels as required by the DCP.

D6 - Access to Sunlight: *complies*

The proposal is designed and oriented to ensure good levels of solar access to the proposed private open space areas.

The proposal will not overshadow any public open space.

While the proposal will result in some overshadowing of the adjoining premises to the south, as demonstrated by the shadow diagrams, the adjoining dwelling will retain 3 hours of sunlight to at least 30m² of its private open space (being 50% of the required private open space) at mid-winter.

D7 – Views: *complies*

Any existing views over the site exist only because the site is currently vacant. Prior to demolition of the previous dwelling on the site there were no significant views over the subject site, and compared to any development of the site, the proposed development will not have a material impact on view sharing or view loss.

D8 – Privacy: *complies*

The proposal has been designed to optimise privacy for occupants and privacy of neighbours with living areas and habitable rooms primarily oriented to the rear private open space area or to the street, rather than towards neighbouring premises.

While the proposal does include some upper floor windows in the side elevations, these are designed to minimise overlooking by:

- use of generous setbacks of 2.2 to 2.4 metres,
- location and orientation of windows offset from other windows / private open space on adjoining premises (in the case of the northern boundary, windows would only overlook the front yard of the adjoining site which is already overlooked from the street and not expected to enjoy privacy, in the case of the southern boundary windows would look over the roof of the adjoining dwelling and due to existing plantings would not result in any material privacy impacts to the neighbours),
- use as secondary windows for bedrooms, use for bathrooms and other non-high use rooms.

In addition, dense boundary planting is also proposed along the rear boundary to prevent overlooking / privacy impacts from the proposed pool deck area.

D9 - Building Bulk: *complies*

As required by the controls, the first floor incorporates greater setbacks to the side and rear boundaries than the ground floor level which ensures large areas of continuous wall planes are avoided and provides a level of articulation of the facades. Also as recommended, the floor levels step down to recognise the slope of the land and to minimise the need for cut and fill, with proposed fill less than 1 metre in depth and generally within the confines of the building footprint. The development is oriented to the street and incorporates a range of materials and finishes (discussed below) to provide visual interest and reduce the appearance of visual bulk.

D10 Building Colours and Materials: *complies*

The proposal incorporates a range of materials and finishes (depicted in Figure 14) which are consistent with the range of finishes found in the local area. New walls will be predominantly white painted weatherboard (which is used extensively in the area), with feature timber-look battened walls to the garage and rear façade elements, which add visual interest and articulation to the facades. New openings will be powder coated in a natural tone with grey shading elements, while the roof form will also be constructed of grey Colourbond, which is also readily visible in the surrounding area. Overall, the building will present a contemporary architectural design that contributes to the streetscape with appearance that is sympathetic to the surrounding environment.

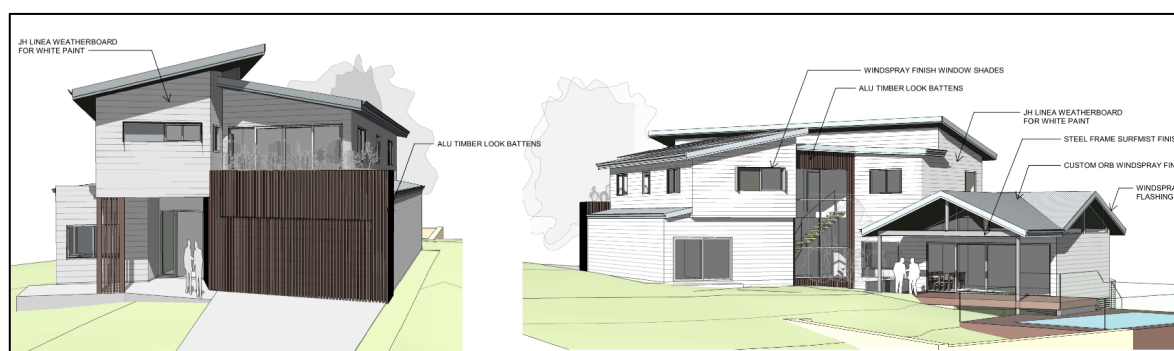


Figure 14: Perspectives indicating proposed materials and finishes

D11 Roofs: *complies*

As required by the controls, there is no visible service equipment or plant proposed for the roof. The proposed roof form incorporates eaves for shading as recommended by the DCP and is highly articulated, incorporating skillion and gable end forms that are typically seen within the surrounding area. The proposed grey Colourbond roof is not highly reflective and will not cause excessive glare or reflection.

D12 Glare and Reflection: *complies*

No adverse glare or reflection will be caused by the proposal, which does not incorporate extensive levels of glazing facing the public domain or adjoining premises. All exterior lighting will be low level and directed so that there is no light spill exterior to the site.

D13 Front Fences and Front Walls: *complies*

The proposal does not include a front fence. No changes are proposed to existing side boundary fences forward of the building line.

D14 - Site Facilities: *complies*

As required, the landscape plan depicts provision of bin storage, a letterbox at the front boundary, and a clothesline towards the rear of the dwelling.

D15 Side Fences: *complies*

No changes are proposed to existing fences proposed as part of this application.

D16 Swimming Pools and Spa Pools: *complies*

As required, the proposed pool is not located in the front setback and will be setback from surrounding trees. As required by the DCP, impacts of the proposed pool on surrounding trees has been assessed by the project arborist, with associated recommendations for tree removal, pruning and tree protection, having regard to AS4970-2009. Refer to Arboricultural Impact Assessment and discussion under 'E1' below.

D20 Safety and Security: *complies*

The proposal incorporates casual surveillance with habitable room windows facing the street. The front entry will be visible, easily discernible from the street, and capable of being lit as required.

D21 Utility Services: *complies*

The site has full access to all utility services and it is proposed to retain all existing services.

D22 Conservation of Energy and Water: *complies*

The proposal is designed to conserve energy and water as:

- Windows and openings are primarily oriented to the north and take advantage of natural sunlight and heating.
- The proposal includes installation of photovoltaic panel as an alternative energy source and will not impede solar access for electricity generation on the adjoining sites.
- The application is accompanied by a BASIX certificate to ensure water and energy saving measures accordance with accepted targets.
- Landscape design includes drought tolerant species.
- Rainwater tanks enable roof water to be captured and re-used onsite for landscape irrigation and grey water.

Part E – The Natural Environment

E1 – Preservation of Trees or Bushland Vegetation: *complies*

The existing site contains 4 trees and there are numerous trees on adjoining properties and on Council's verge in close proximity to the proposed development. The application is therefore accompanied by an Arboricultural Impact Assessment (AIA) which considers the impacts of the proposal on the trees. The AIA notes that no species of assessed tree is subject to threatened conservation status, nor is the site identified on the NSW Biodiversity Values map.

The proposal requires the removal of 1 tree (shown as T4 in Figure 15), being a 15m high Smooth barked Apple tree located on the rear boundary line. The proposed pool and decking would encroach on the tree's structural root zone to an extent that would not allow

for safe retention of the tree. The tree is only identified as having a 'medium' retention value.

However, it is proposed to retain the remaining 3 larger trees on the site (T3, T10, T13) all being larger Smooth Barked Apple trees with heights of 16 – 17 metres, two of which are identified as having a 'high' retention value. In particular, the proposal has been specifically designed to ensure retention of tree T3, which has an extensive canopy spread and which occupies most of the rear yard. The AIA demonstrates that all remaining trees on and adjoining the site will be able to be safely retained subject to recommendations in relation to tree pruning and tree protection. It is proposed to carry out the works in accordance with the recommendations of the AIA and any conditions of consent in relation to tree protection.

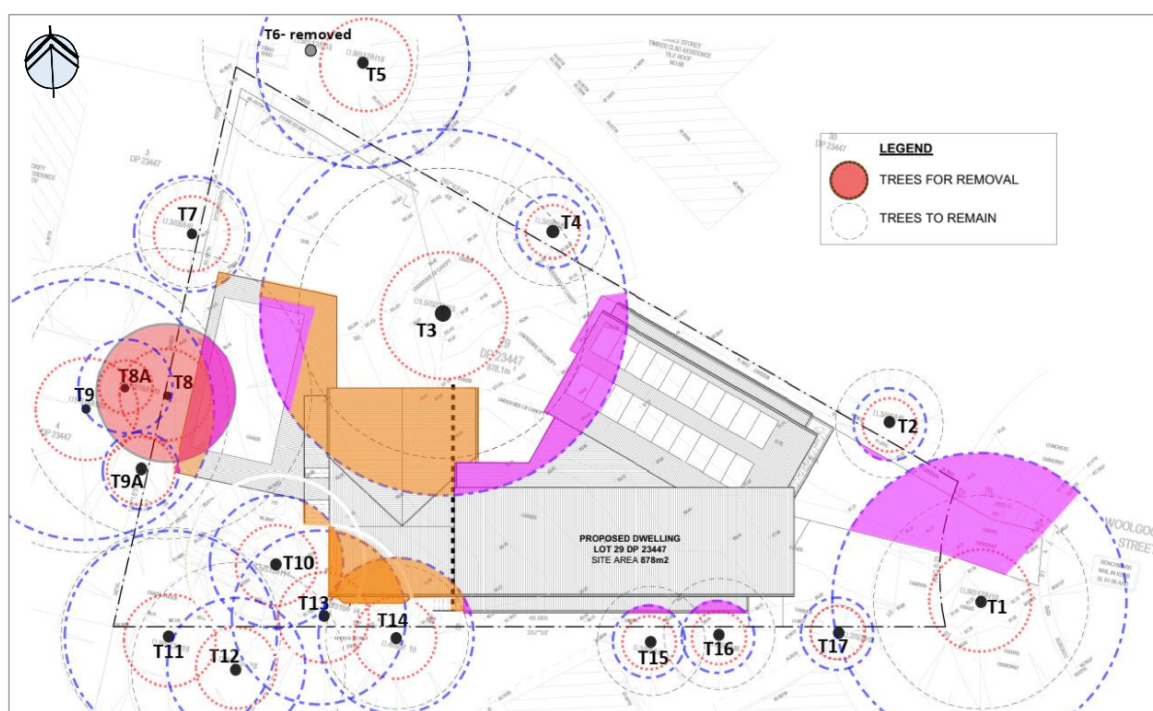


Figure 15: Extract from Arboricultural Impact Assessment report showing tree encroachments (pink shading denotes encroachment at ground level, orange denotes encroachment above grade)

E10 – Landslip Risk: *complies*

As shown in Figure 16, the majority of the site, including all of the dwelling footprint, is located within 'Area A' of the landslip risk areas, having a slope of less than 5 degrees. However, a portion of the rear of the site (incorporating part of the swimming pool and some tiered sandstone retaining walls) is located in 'Area B', being a flanking slope from 5 to 25 degrees.

As required by the DCP, a preliminary geotechnical assessment has therefore been prepared. Refer to the report by AscentGeo submitted under separate cover and discussion in relation to clause 6.4 of the LEP in Section 4.3 above, which demonstrates the proposed development:

- is justified in terms of geotechnical stability
- will be carried out in accordance with good engineering practice
- will not result in detrimental impacts from stormwater discharge
- will not impact sub-surface flows

On this basis, Council can be satisfied that the development will not result in any unacceptable geotechnical risks.

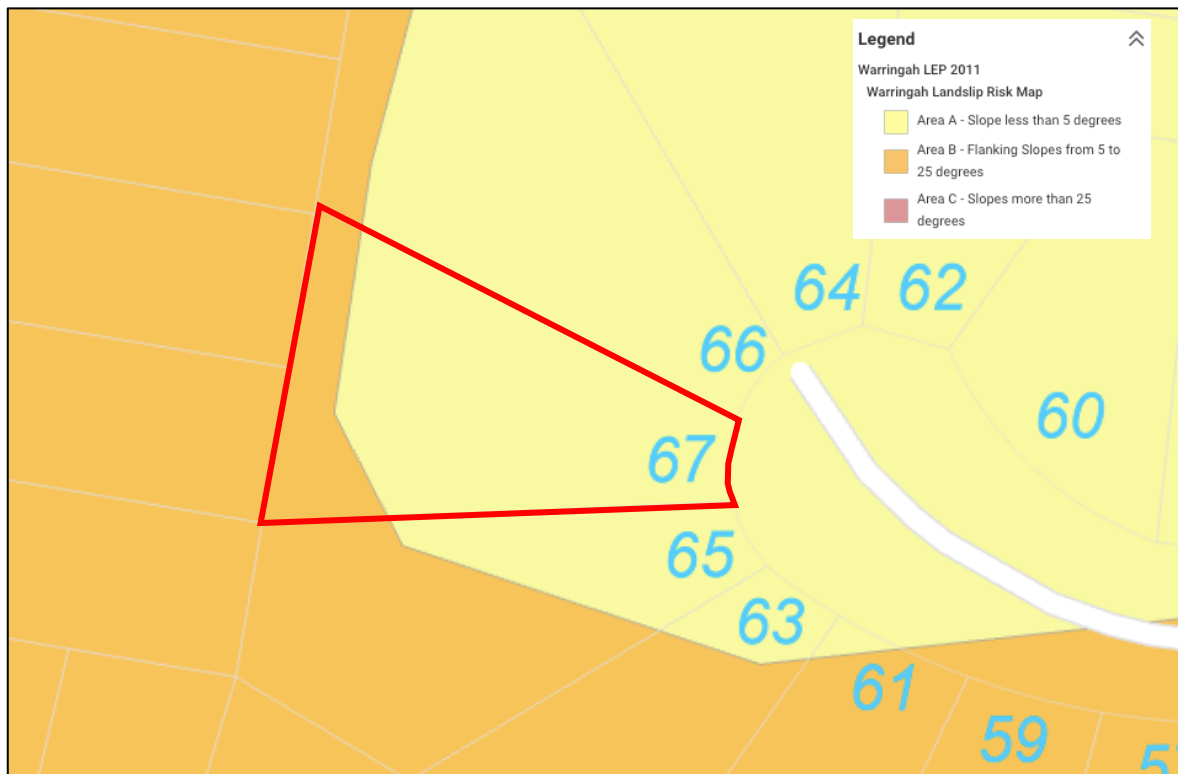


Figure 16: Extract from Council's landslide risk map

5. Other matters for consideration under s4.15(1)

Section 4 of this report considered the application against the required heads of consideration under Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979. The remainder of Section 4.15(1) outlines further matters for consideration in the assessment of the development application:

Section 4.15(1)(b)

Section 4.15(1)(b) of the Act requires consideration of *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*. The applicable planning instruments (previously considered in Section 4) are primarily concerned with controlling impacts arising from the development. The likely impacts of the development have therefore already been discussed above. The proposal has been shown to be generally consistent with expectations for the built environment established by the planning controls and results in no unacceptable impacts in terms of urban design or visual impacts, visual privacy or acoustic impacts, views, overshadowing, parking or traffic impacts.

Rather, the proposal improves the presentation of the site within the streetscape, replacing a vacant site with a high-quality contemporary development that respects the character of the area, resulting in a positive overall urban design outcome with associated positive economic benefits for the locality. It also is designed to deliver high quality internal amenity that meets and exceeds contemporary expectations for sustainability, water, and energy efficiency and that will ensure the site will continue to contribute to housing supply in the area into the future, consistent with strategic economic and social planning goals of government.

Section 4.15(1)(c)

The *“suitability of the site for the development”* must be considered under Section 4.15(1)(c) of the Act. Given that the proposed use is entirely consistent with the uses envisaged by the zoning controls and the DCP controls that apply to the site, and as there are no extraordinary constraints applicable to the site that would preclude the type of development proposed, the site is found to be entirely suitable for the proposal.

Section 4.15(1)(d)

Section 4.15(1)(d) requires *“consideration of any submission made in accordance with Act or the regulation.”* This is a matter for Council's consideration.

Section 4.15(1)(e)

Section 4.15(1)(e) requires *“consideration of the public interest.”* Given the proposals general compliance with the relevant statutory controls, or otherwise no unacceptable effects to the surrounding area, the public interest is assured.

6. Conclusion

The proposal seeks approval for construction of a new dwelling house, swimming pool, and associated landscaping on the site.

It is demonstrated in this Statement that the proposed development complies with the intent of all relevant controls and all relevant matters for consideration under section 4.15(1) of the Act.

The only numerical deviations from Council's controls relate to building height and envelope in a very small section of the south-west corner of the first floor of the building. The extent of the variation is minor and is due to the constraints of the site topography. The variation enables a continuation of the roof line and roof pitch on the southern wing of the building to ensure a harmonious appearance to the overall building presentation and does not materially impact the neighbouring premises or the intention of the controls as demonstrated in this report.

Instead, the proposed new dwelling makes a positive contribution to the site and the locality in that it:

- Improves the presentation of the site within the streetscape, replacing a vacant site with high-quality contemporary building stock and new landscaping that respects the character of the area, resulting in a positive overall urban design outcome,
- Has been carefully designed to enable retention of trees, and specifically a large tree which makes a material contribution to the landscape setting of the area,
- Is designed to deliver high quality internal amenity and functionality for the occupants of the dwelling, as well as water and energy saving measures consistent with government strategic planning goals for sustainability, water, and energy efficiency,
- Improves stormwater management on the site,
- Has been carefully designed to comply with the Council controls and to ensure no unacceptable impacts arise to neighbouring premises in terms of shadowing, privacy, or visual impacts, and
- Will contribute to housing supply, consistent with current strategic planning goals of government.

The outcome is therefore a proposal that is consistent expectations for the site under planning controls, without any adverse consequences to the environment or the area generally. As such the proposal is recommended to Council for approval.