

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Demolition and  
development of a dual  
occupancy**

**35 Blackbutts Road  
Frenchs Forest**

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**RESPONSIBLE FOR THIS REPORT:**

Michael Haynes

Director - BBF Town Planners

Master Urban and Regional Planning Sydney University

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# 1 Introduction

## 1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for demolition of the existing structures and development of a new dual occupancy [attached], in a side-by-side configuration at 35 Blackbutts Road, Frenchs Forest. The proposal is depicted in the accompanying architectural plans by Walsh Architects. A summary of the key aspects of the proposal are noted as follows:

- Demolition of existing structures.

### Dwelling 1 – Lot 1

#### Ground floor level -

- entry
- open plan dining, living
- kitchen and family room media
- study
- light well/garden to east side
- laundry
- bedroom
- bathroom

#### First floor level –

- 3 bedrooms
- Walk-in-robe
- 2 bathrooms
- Balconies to front and rear with pergola and roof above

### Dwelling 2 – Lot 2

#### Ground floor level -

- entry
- open plan dining, living
- kitchen and family room media
- study
- light well/garden to west side
- laundry
- bedroom
- bathroom

#### First floor level –

- 3 bedrooms
- Walk-in-robe
- 2 bathrooms
- Balconies to front and rear with pergola and roof above

**External**

- Excavation as shown
- Fill and retaining walls as shown
- Landscaped works as shown.
- Landscape planting as shown
- Swimming pools to each dwelling
- Existing vehicle crossover to be demolished and new crossover proposed
- Planter over the garage section [roof level] at front and that is within 2m of the side boundary

## **1.2 Statement of Environmental Effects**

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.



Figure A – architectural render of the proposal

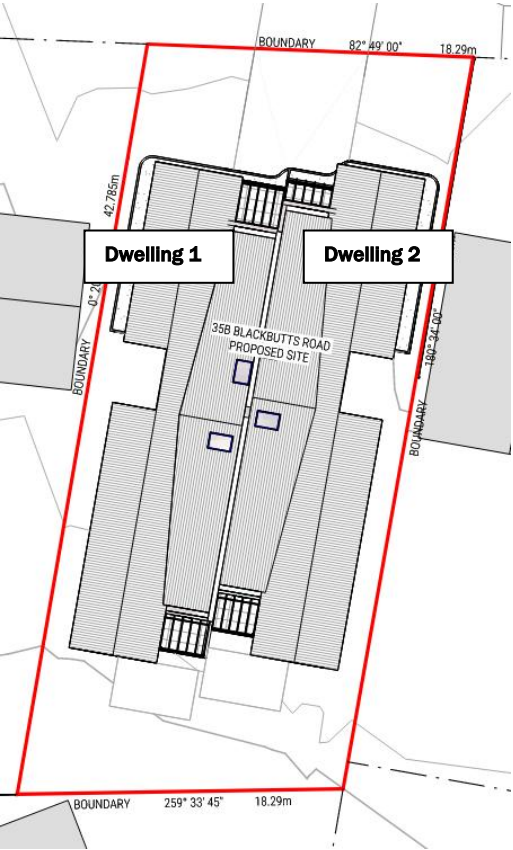


Figure B – development configuration

## 2 Site Analysis

### 2.1 Site and location description

The site is located at 35 Blackbutts Road, Frenchs Forest. It is legally described as Lot 1 in Deposited Plan 560648 and has an area of 762.8m<sup>2</sup>.

The site is regular in shape with an 18.2m frontage to Blackbutts Road.

The site is occupied by a two-storey rendered dwelling house with tiled roof with various concrete paths a tiled patio and inground swimming pool. There is also a metal shed along the eastern boundary.

The local topography slopes moderately from the street [north] to the rear; 2.2m from the north [RL 164.7] to the south [RL 162.5]. The site also experiences a 0.6m fall [approx.] from east to west.

There are no prominent topographical features located on the property. There is exotic vegetation within the site's Blackbutts Road front setback.

There is a mixed pattern of allotment shapes, sizes, orientations and development on the surrounding properties. The proposed development maintains the orientation of the existing dwelling house and will be compatible with the surrounding development.

The land is zoned R2 Low Density Residential. The land is not identified in the LEP as being affected by heritage conservation, flooding, bushfire, biodiversity, riparian, coastal risk or landslip,

The figures on the following pages depict the character of the property and its existing development.

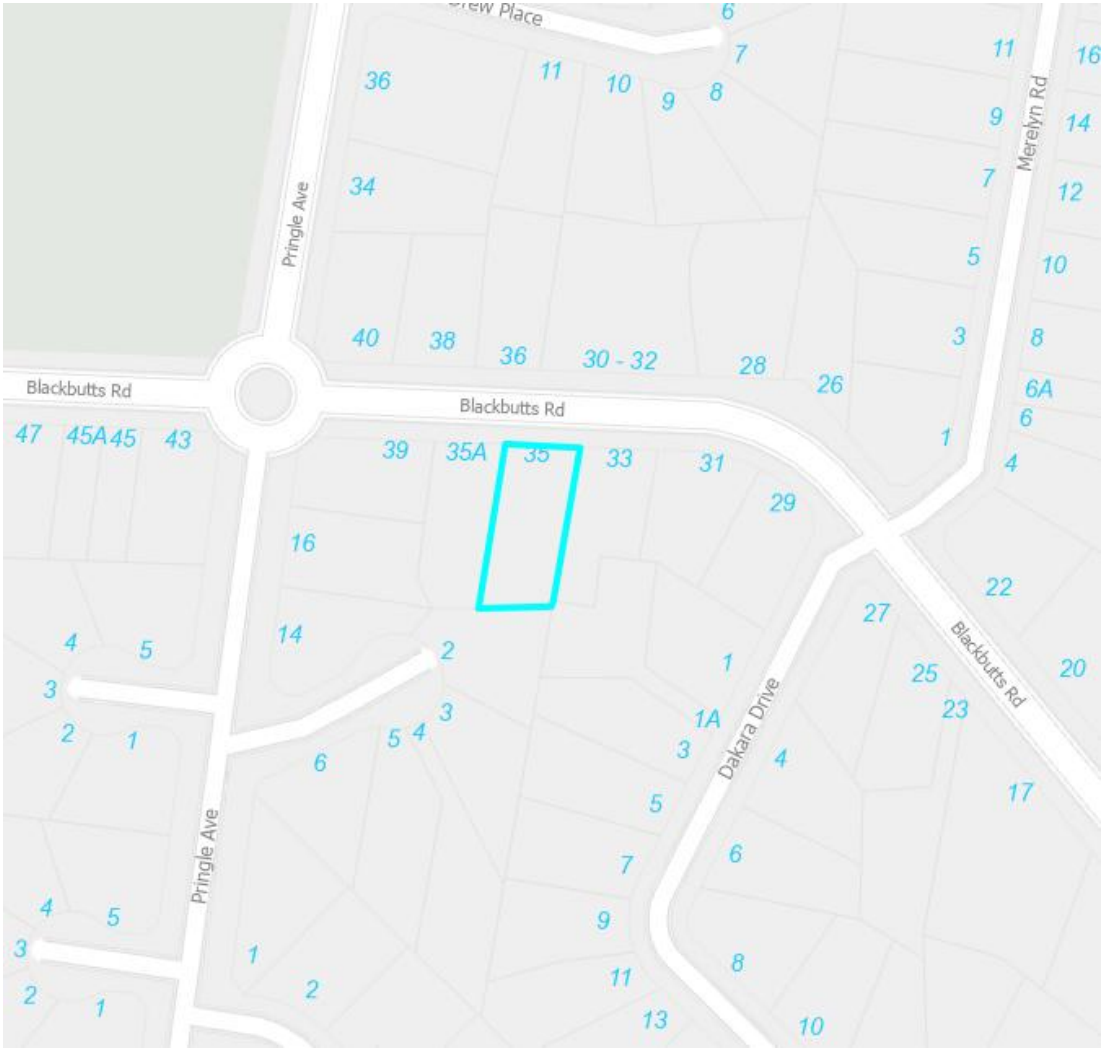


Figure 1 – Location of the site within its wider context (courtesy Northern Beaches Council Mapping)









**Figure 3 –existing dwelling house street frontage**



**Figure 4 – existing site's street frontage**

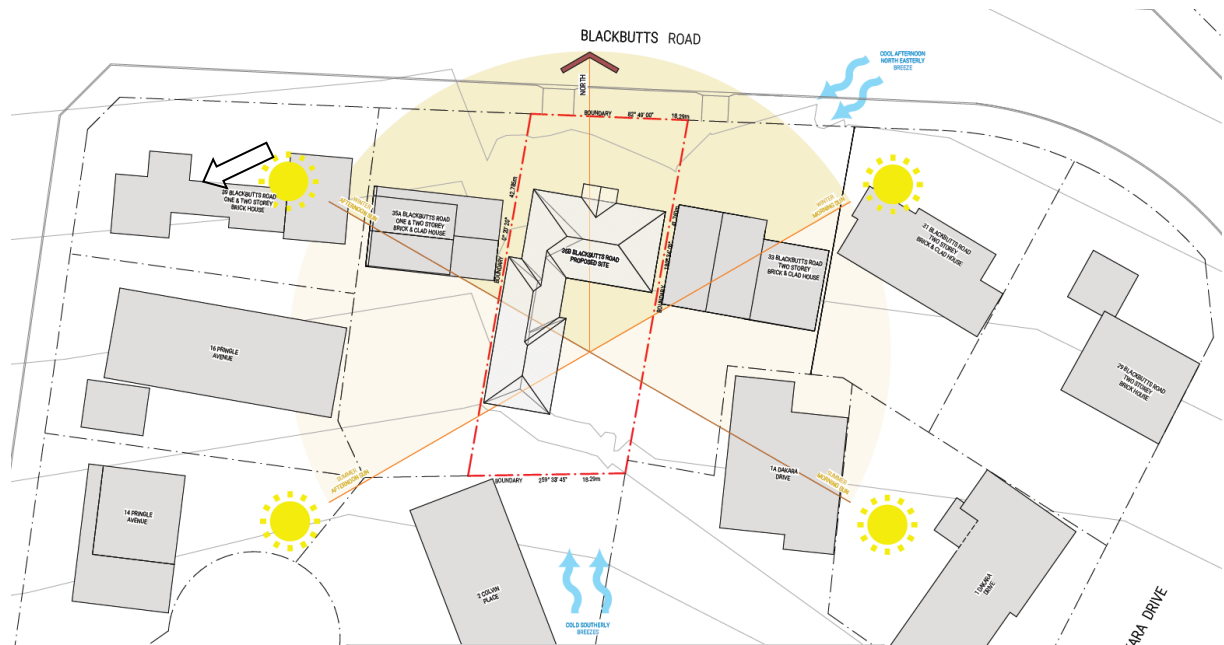


Figure 5 – excerpt from site analysis showing the lot pattern and development / dwelling footprints

## 3 Environmental Assessment

### 3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Warringah Local Environmental Plan 2011
- State Environmental Planning Policies – as relevant
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

## 4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

### 4.1 Warringah Local Environmental Plan 2011

#### 4.1.1 Zoning

The property is zoned R2 Low Density Residential under the Warringah Local Environmental Plan 2011 (LEP) as is most of the surrounding land.



**Figure 6 – zoning map excerpt (Council's website)**

The proposal constitutes demolition and development of a new dual occupancy [attached]. The proposal is permitted within the zone with development consent pursuant to Chapter 6 of State Environmental Planning Policy (Housing) 2021 and LEP clause 2.6, which are each addressed below.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

*"To provide for the housing needs of the community within a low density residential environment.*

*To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

*To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah".*

It is assessed that the proposed development is consistent with the zone objectives as it will provide for the housing needs of the community within a low density residential environment, within a landscaped setting, compatible with the surrounding development. Accordingly, the proposal has had sufficient regard to the zone objectives.

#### 4.1.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size 600m <sup>2</sup>	NA	NA
LEP Clause 4.3 – Height of Buildings 8.5m	The proposed development complies with the 8.5m building height standard as documented on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.10 Heritage Conservation	The site is not identified as a heritage item, within the visual catchment of a heritage item, or within a conservation area.	NA
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being flood affected.	Yes
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	NA	NA
LEP Clause 6.2 Earthworks	<p>Earthworks for the development are proposed below the existing site levels. The application is accompanied by a geotechnical assessment, architectural plans, landscape concept plan and stormwater management plans that demonstrate that the proposal is appropriate for the site.</p> <p>Drainage patterns and soil stability are not adversely impacted by the proposal which are supported by stormwater management plans.</p> <p>The architectural plans and landscape concept plan make appropriate provision for the design and treatment of the site's external areas. Appropriate retaining walls and vegetated areas are proposed. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development.</p>	Yes



SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

LEP Provision	Response	Complies
	<p>Heritage is not relevant to the proposed development. It is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or environmentally sensitive areas proximate to the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p>	
LEP Clause 6.4 Development on sloping land	The land is identified on the LEP Maps as being within Areas A and B on the Landslip Risk Maps. Therefore, a geotechnical assessment report accompanies the DA and satisfies the provisions of the clause.	Yes

## 4.2 State Environmental Planning Policy

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

State Environmental Planning Policy (Housing) 2021, Chapter 6 'Low and mid rise housing', Part 2 'Part 2 Dual occupancies and semi-detached dwellings' is applicable to the land.

Section 166 permits with development consent dual occupancies within the R2 Low Density Residential zone as stated below.

***'166 Development permitted with development consent***

*Development for the purposes of dual occupancies or semi-detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential.*

#### **Response**

The proposed development is appropriately characterised as a dual occupancy [attached] which is defined in the LEP dictionary as:

***dual occupancy*** means a dual occupancy (attached) or a dual occupancy (detached).

*Note.*

*Dual occupancies are a type of residential accommodation—see the definition of that term in this Dictionary.*

***dual occupancy (attached)*** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

*Note.*

*Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.*

The site is located within the R2 Low Density Residential under the LEP. The site is not land listed as excluded under s164 of the Policy. Therefore, Chapter 6 of the SEPP applies to the land and the Housing SEPP permits, with development consent, dual occupancy on the land.

### 4.2.1 State Environmental Planning Policy - BASIX

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

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

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas



This matter is addressed below.

## **Chapter 2 - Vegetation in Non-Rural Areas**

Vegetation is prescribed under Warringah DCP for the purposes of the SEPP. The DA does not involve the removal of designated vegetation. Standard conditions may be reasonably imposed to protect and conserve nearby vegetation. Based on the above, the proposal will have an acceptable impact, and the provisions of this policy are satisfied by the proposal.

### **4.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

The following aspect of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the land and the proposed development:

- Chapter 4 - Remediation of Land

This matter is addressed below.

## **Chapter 4 – Remediation of Land**

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

## 5 Development Control Plan

### 5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Warringah Development Control Plan (DCP) is applicable to the property. Relevant provisions of the Warringah DCP are addressed below.

### 5.2 Part B - Built form control

Clause	Requirement	Proposed	Complies?
B1 Wall Height	7.2m	East side: up to 6m West side: up to 6.6m	Yes
B3 Side Boundary Envelope	4m at 45 degrees required.	West side: Dwelling 1 – up to 6.6m [exception up to 510mm at the rear southern end of the side wall, as shown in figure 8].  East side: Dwelling 2 - up to 6m	No  Yes
Control objectives <ul style="list-style-type: none"> <li>▪ <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i></li> <li>▪ <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i></li> <li>▪ <i>To ensure that development responds to the topography of the site.</i></li> </ul>		<p>The proposed west side boundary envelope exceedance is shown in figure 8. This represents a minor, 7% exception to the control for a modest section of the southwestern corner of the proposed dwelling.</p> <p>The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below.</p> <p><b>height and bulk</b></p> <p>The proposed building does not become visually dominant by virtue of the minor side boundary envelope exception which is isolated to the southwestern corner of the proposed dwelling.</p> <p>The design incorporates measures to achieve appropriate height and bulk noting:</p> <ul style="list-style-type: none"> <li>- the increased side setbacks of the first floor level to the side boundaries making the upper level visually recessive when viewed from adjoining land.</li> <li>- The varied and stepped alignment of the setbacks along the western side.</li> </ul>	

Clause	Requirement	Proposed	Complies?
		<ul style="list-style-type: none"> <li>- the exception relates to a balcony that does not present an excessive bulk and will not result in visual intrusion when viewed from the adjoining property</li> <li>- the design is modulated, employs use of different materials, is within a landscaped setting, is compatible with the height and bulk of adjoining dwellings, and will result in a compatible streetscape presentation. Furthermore, the proposed height and bulk of the design is compatible with mix of building forms within the visual catchment.</li> </ul> <p><b>light, solar access and privacy</b></p> <p>Adequate light, solar access and privacy is achieved by the design despite the minor side boundary envelope exception.</p> <p>The proposed development complies with the DCP's privacy, amenity and solar access requirements, as separately addressed below.</p> <p><b>Topography</b></p> <p>The site experiences a fall of approximately 2.2m from the front to the rear boundary. The site also experiences a 0.6m fall [approx.] from east to west. The exception is partly attributed to the topography of the land and is minor in extent, not visible from the street and without inappropriate impact on the adjacent properties.</p> <p>It is concluded that the objectives of the control are satisfied, and the circumstances are appropriate for Council to be flexible in applying the numerical control.</p>	
B5 Side Setback	900mm	East side – Ground floor level – 0.9 to 4.2 to 2m First level – 2 to 4.2 m  West side – Ground floor level – 0.9 to 4.2 to 2m First level – 2 to 4.2 m	Yes  Yes  Yes  Yes
B7 Front Setbacks	Primary 6.5m	6.5m [minimum]	Yes
B9 Rear Setback	6m	6.8m to 8.1m to dwellings.	Yes

Clause	Requirement	Proposed	Complies?
	<p><b>Exceptions</b>  <del>Land Zoned R2 and Land Zoned RU4 with frontage to The Greenway</del>  On land zoned R2 Low Density Residential, and <del>land zoned RU4 Rural Small Holdings that has frontage to "The Greenway", Duffy's Forest,</del> where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area, provided that the objectives of this provision are met.</p> <p><b>Control objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure opportunities for deep soil landscape areas are maintained.</li> <li>• To create a sense of openness in rear yards.</li> <li>• To preserve the amenity of adjacent land, particularly relating to privacy between buildings.</li> <li>• To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.</li> <li>• To provide opportunities to maintain privacy between dwellings.</li> </ul>	<p>2m to 2.48m to swimming pools.</p> <p>Minor exception by the swimming pools. These elements do not exceed 50% of the rear setback area [rear setback area 110m<sup>2</sup> / swimming pool 18.7 m<sup>2</sup> / 17%].</p> <p>The proposed development satisfies the objectives of the control for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Adequate deep soil landscape areas are provided at the front, rear, and sides of the development with adequate soft landscape areas available for turf planting and other pervious materials</li> <li>▪ A rear yard is proposed with a compliant rear boundary setback to the dwellings containing swimming pool, terrace, and garden areas that will achieve a sense of openness</li> <li>▪ The amenity of adjacent land is not inappropriately impacted by the proposed development.</li> <li>▪ There is a mixed pattern of allotment orientations and development on the surrounding properties. The proposed development maintains the orientation of the existing dwelling house and will be compatible with the surrounding development.</li> <li>▪ Adequate privacy is maintained between the proposed development and surrounding residential developments noting the ground level position of the pool, orientation of the dwellings and significant</li> </ul>	Yes

Clause	Requirement	Proposed	Complies?
		separation that is maintained to adjoining dwellings to the east.	



Figure 8 – Location and minor extent of side boundary envelope exception to west side

**5.2.1 Broader DCP compliance assessment**

Clause	Compliance with Requirement	Consistent with aims and objectives
<b>Part C - Siting Factors</b>		
C1 Subdivision	NA	NA
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities Proposed: 2 car spaces per dwelling in tandem arrangement. This is assessed as appropriate in the circumstances noting the proposal involves a low density development outcome, low traffic generation on level land with good visibility within the street frontage.	Yes	Yes
C4 Stormwater A stormwater management plan accompanies the DA addressing the provisions of this control.	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to constructed Council drainage easements		
C7 Excavation and landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
<b>Part D - Design</b>		
D1 Landscaped open space and bushland setting Site area: 762.8m <sup>2</sup> Required: 40% / 305.1 m <sup>2</sup> Proposed, as shown on the architectural plans: 300m <sup>2</sup> / 39.4%, evenly shared by the 2 dwellings. Exception: 5.1 m <sup>2</sup> / 1.7% [minor].  Response The proposal provides a characteristic front setback and incorporates appropriate garden areas at the street frontage. The proposal enhances the garden areas within the front setback. The proposal provides a landscape setting to the site's Blackbutts Road frontage which will maintain and enhance the streetscape.  The proposal removal of exotic tree species and does not result in the inappropriate removal of	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<p>indigenous vegetation or topographical features.</p> <p>There will be no loss of significant established trees. The proposal provides opportunities for planting within the proposed garden areas in accordance with the landscape plan that accompanies the DA.</p> <p>The proposal involves a net increase in indigenous landscape planting. A condition of consent may reasonably be imposed regarding what proportion of this is indigenous vegetation in order to provide habitat for wildlife.</p> <p>The design provides a development footprint that is compatible with the irregular pattern of development within the street.</p> <p>No excessive building bulk is proposed with the design adopting a modulated building form that is inset at the upper levels from the site boundaries. The proposal's bulk, form and scale are separately addressed herein.</p> <p>There are no inappropriate privacy or solar impacts associated with the proposal. These matters are separately addressed below.</p> <p>The proposal provides adequate open areas for service functions, including clothes drying.</p> <p>Stormwater drainage will be managed and conveyed to the Council's street-system. Stormwater reuse will occur through water storage tanks to meet BASIX requirements.</p> <p>Based on the above, the objectives of the control are satisfied, and the circumstances are appropriate for Council to be flexible in applying the numerical control.</p>		
<p>D2 Private open space</p> <p>Required: 3 bedroom dwellings - a total of 60m<sup>2</sup> with minimum dimensions of 5 metres.</p> <p>Response:</p> <ul style="list-style-type: none"> <li>each dwelling includes a rear terrace rear garden and swimming pool area.</li> <li>each dwelling also includes a north facing, first floor level secondary living space and balcony,</li> <li>the private open space within the proposed dwellings will achieve at least three hours of sunlight between 9am and 3pm on 21 June.</li> <li>The proposal meets and exceeds the minimum dimensions and area.</li> </ul>	Yes	Yes
D3 Noise	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
D4 Electromagnetic radiation	NA	NA
D5 Orientation and energy efficiency	Yes	Yes
<p>D6 Access to Sunlight</p> <p>The DCP requires:</p> <p><i>'1. Development should avoid unreasonable overshadowing any public open space.</i></p> <p><i>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'.</i></p> <p>Shadow diagrams showing the proposed shadows accompany and support the proposal. They demonstrate that compliance with the DCP is achieved. The following key aspects are noted.</p> <p>In accordance with Clause D6 of the DCP, the sunlight available to the private open space of the adjoining dwellings will not be impacted by more than 3 hours, with greater than 30sqm of space within the rear yard being in sunlight between 9am and 12pm on 21 June.</p> <p>Furthermore, the private open spaces for the proposed dwellings will achieve at least three hours of sunlight between 9am and 3pm on 21 June.</p> <p>The site is on the southern side of the road and slopes to the south meaning that mid-winter sunlight to the rear private open space is difficult to achieve in the site circumstances, also noting that a compliant building envelope is proposed.</p> <p>In response –</p> <ul style="list-style-type: none"> <li>view from sun diagrams confirm that the some of the rear PoS areas of dwelling 1 will receive morning sunlight in midwinter and that the some of the rear PoS areas of dwelling 2 will receive afternoon sunlight in midwinter.</li> <li>to complement these areas, each dwelling includes a north facing, first floor level secondary living space and balcony. This space will provide excellent solar amenity [9am to 3pm mid-winter], appropriate privacy and is an appropriate design response to the control and the site constraints.</li> <li>Based on the above, the private open space within the proposed dwellings will achieve at least three hours of sunlight between 9am and 3pm on 21 June.</li> </ul> <p>The provisions of the control are assessed as being satisfied by the proposal.</p>	Yes	Yes



Clause	Compliance with Requirement	Consistent with aims and objectives
<p>D7 Views –</p> <p>Given the local topography, the siting of the existing buildings and the neighbourhood context, no impacts on views are anticipated from the proposed development from surrounding residential properties or public vantage points.</p> <p>Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties during the assessment of the DA.</p>	Yes	Yes
<p>D8 Privacy –</p> <p>Privacy has been considered in the proposed design and satisfies the DCP's objectives. The following aspects of the proposal are noted:</p> <ul style="list-style-type: none"> <li>▪ Appropriate side building setbacks are provided,</li> <li>▪ Mainly bedrooms are contained at the upper-level with a secondary living room and balcony positioned to the front, north, with outlook to the street and not to sensitive areas within the adjacent properties.</li> <li>▪ Side boundary facing window openings are limited and appropriate in terms of their function (the rooms that they serve), their location, and extent.</li> <li>▪ Large panel glazing is proposed for light ventilation and amenity adjacent to the central light well/garden in each dwelling with increased side setback. Corridors and service areas within each dwelling [not habitable rooms] adjoin the glazing and appropriate privacy is achieved.</li> <li>▪ No rear, upper floor balconies, next to living rooms of a size that would allow for the congregation of people are proposed.</li> </ul> <p>It is concluded that the proposal will not inappropriately impact upon the visual privacy of the neighbouring properties.</p>	Yes	Yes
<p>D9 Building Bulk</p> <p>The proposal is appropriately designed and articulated noting that:</p> <ul style="list-style-type: none"> <li>▪ The side setbacks are progressively increased as the wall height increases.</li> <li>▪ Large areas of continuous wall planes are avoided by varying building setbacks within each elevation and use of different materials to provide visual relief.</li> </ul>	Yes	Yes

Clause	Compliance with Requirement	Consistent with aims and objectives
<ul style="list-style-type: none"> <li>▪ The proposed building height and scale to relates to topography and site conditions, will be compatible with the height and bulk of adjoining dwellings, and result in an enhanced streetscape presentation.</li> <li>▪ The amount of proposed fill does not exceed one metre in depth.</li> <li>▪ The design is orientated to address the street.</li> <li>▪ The design includes articulated walls to reduce building mass. The first floor level is inset. When viewed from the street, the design is highly articulated incorporating is of different setbacks and materials.</li> <li>▪ Landscape plantings are provided / maintained to reduce the visual bulk and enhance the proposed development.</li> </ul>		
<b>D10 Building Colours and Materials</b> The proposal will employ appropriate materials and finishes to be compatible with the local, mixed development character.	Yes	Yes
<b>D11 Roofs</b>	Yes	Yes
<b>D12 Glare and Reflection</b>	Yes	Yes
<b>D13 Front fences and front walls</b>	NA	NA
<b>D14 Site facilities</b>	Yes	Yes
<b>D15 Side and rear fences</b>	NA	NA
<b>D16 Swimming Pools and Spa Pools</b>	Yes	Yes
<b>D17 Tennis courts</b>	NA	NA
<b>D18 Accessibility</b>	Yes	Yes
<b>D19 Site consolidation in the R3 and IN1 zone</b>	NA	NA
<b>D20 Safety and security</b>	Yes	Yes
<b>D21 Provision and location of utility services</b>	Yes	Yes
<b>D22 Conservation of Energy and Water</b>	Yes	Yes
<b>Part E - The Natural Environment</b>		
<b>E1 Preservation of Trees or Bushland Vegetation</b>	Yes	Yes
<b>E2 Prescribed Vegetation</b>	NA	NA
<b>E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat</b>	NA	NA
<b>E4 Wildlife Corridors</b>	Yes	Yes
<b>E5 Native Vegetation</b>	Yes	Yes
<b>E6 Retaining unique environmental features</b>	Yes	Yes
<b>E7 Development on land adjoining public open space</b>	NA	NA

Clause	Compliance with Requirement	Consistent with aims and objectives
E8 Waterways and Riparian Lands	NA	NA
E9 Coastline Hazard	NA	NA
E10 Landslip Risk	NA	NA
E11 Flood Prone Land	NA	NA

### **5.2.2 Conclusion - variations to numerical aspects of the DCP**

Based on the above, it is concluded that the proposed numerical variations are contextually appropriate noting the merits of the design and satisfy the objectives of the planning controls.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority must be flexible in applying the numerical controls where the objectives of those controls are satisfied.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP, and the proposal is worthy of support.

## 6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social (and environmental) benefits arising from an additional dwelling and replacement of the existing housing stock with contemporary BASIX compliant housing.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

## 7 Conclusion

Walsh Architects have responded to the client's brief with an exceptional design that is responsive to the development character, property context, and the prevailing planning objectives for the site.

The proposal has been assessed under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act and should be approved because:

- The proposed development is permissible with consent.
- The application has considered and satisfies the various applicable LEP and DCP built form controls as they are reasonably applied to the site.
- The proposed development will not give rise to any unacceptable residential amenity or streetscape consequences.
- Subject to the recommendations of various expert reports, the proposed development can mitigate the environmental conditions identified and satisfy the relevant statutory controls.
- The site is suitable for the proposed development, having regard to its size and capacity to accommodate the proposed design.
- The proposal will result in various positive social and economic impacts in the locality.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

**BBF Town Planners**

**Michael Haynes - Director**