

STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a New
Dwelling, Horse Arena,
Stables & Paddocks

113 Orchard Street,
Warriewood

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application proposing the demolition of the existing dwelling and the construction of a new dwelling, horse arena, stables and paddocks.

The proposed development seeks to create a new family home which can accommodate horses on site with quality amenities for the animals housed here. No commercial horse training or agistment services are proposed with the development. The plans provided have been formulated with extensive consultation with ecologist and arborists due to the biodiversity mapping applicable to the site. The works proposed strike a balance between minimising impacts to the site and achieving the development potential of the site for animal boarding and training.

We note that a previous applications (DA2020/0707 & DA2019/0021) were withdrawn due to issues surrounding the onsite waste water and its ability to accommodate animal waste. Since that time, the owners have engaged Martens Consulting Engineers which have confirmed the ability of the site to connect to the existing sewer infrastructure.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans
- Survey
- Stormwater Management Plans
- Arboricultural Impact Assessment
- Flora and Fauna report
- Stormwater Management Plans
- BASIX Certificate
- Waste Management Plan

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

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and
- Pittwater 21 Development Control Plan 2012 (**P21 DCP**).

The identified non-compliances with the setbacks and building envelope controls have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The site has a legal description of Lot 6 in DP 749791 and is commonly referred to as 113 Orchard Street, Warriewood. The site area is measured at 9766m² with a width of 82.2m and approximate depth of 115m.

An aerial location photograph is at Figure 1 below.



Figure 1: Aerial photograph of the subject site

The site is currently accessed from a right of carriageway from Orchard Street. The site is characterised with a sloping topography that rises up from street level to the rear approximately 40, as depicted on the survey provided. Extensive tree coverage is present across the site. Development on site currently consists of a single storey weatherboard dwelling.

The physical and topographical characteristics of the site are depicted on the site survey, with the condition of the canopy trees and vegetation identified in the Arboricultural Impact Assessment Report by Jacksons Nature Works and the Flora and Fauna Assessment by GIS Environmental Consultants.

The rear of the site backs onto Heydon Reserve. Larger lot sites are located directly to the north and south with low density subdivisions located to the east.

2.1.2 The Locality

The site is zoned RU2 Rural Landscape under the provisions of PLEP 2014. Natural constraints and protection areas of the site are identified within the planning legislation as follows:

- Geotechnical hazard
- Bushfire Prone Land
- Terrestrial Biodiversity area

3 Description of Proposed Development

3.1 Details of the proposed development

New Dwelling:

The proposed development seeks to demolish the existing dwelling and construct a new dwelling in a different location on site. Considering that the new dwelling will be relocated on site, it is requested that the demolition of the existing dwelling not be required until the construction of the new dwelling is complete to allow the owners to live in the existing house during construction. A condition of consent to demolish the existing house within a determined timeframe once an occupation certificate has been obtained for the new house is requested.

The new dwelling details are provided within the Tullipan Home architectural plans and specifically include:

- 4 bedrooms. Bed1 will include a WIR and ensuite
- Open plan kitchen/living/dining which opens out to a rear terrace and pool area as well as a front facing verandah.
- Laundry
- Bathroom
- Lower level garage
- Lower level leisure/multipurpose room

Horse Facilities:

The proposed horse facilities are details on the architectural plans prepared by Tony McClain Architect. Specifically, the works provide for:

- Horse area located adjacent to the street frontage measuring 20m x 50m and will be fenced. Screen hedge plantings are proposed between the front boundary and fence. This arena is to provide an area to train and ride the horses.
- Behind the horse area will be 4 stables with smaller fenced yards. Feed/tack rooms, wash bays. A bathroom is also provided here for convenience rather than having to go back to the house.
- 4 Paddocks are located the rear of the site for the horses during the day.
- Connection from the horse arena to the stables and the paddocks will be via ramps and horse pathways
- Horse manure storage area to the south of the arena
- Additional hay storage area located adjacent to the northern side boundary
- Additional parking area and turning bay adjacent to the northern side boundary to accommodate horse floats and trailers etc

The application is supported by a flora and fauna report and an arborist report. Extensive consultation with those experts have determined the location of the paddocks and structures on site to minimise the loss of trees and to ensure that high value trees are not removed.

A new sewer connection can be established which is considered an improvement above the previous onsite waste water system.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the RU2 Rural Landscape zone with dwelling houses and animal boarding or training establishments permissible with consent.

The objectives of the zone are considered as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The animal boarding and training facilities are entirely commensurate with the zone and reasonably anticipated on this site. The site provides for 4 stables and will have 4 horses located on the site. New sewer connections to established sewer infrastructure will further limit impacts to the local environment with regard to waste.

The trees to be removed to facilitate the animal facilities have been minimised through consultation with ecologist and arborist with high value trees to be retained.

The site backs onto Henley Reserve with larger lots located to the north and south. Low density residential uses are located to the east and will be significantly spatially separated from the site.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) and the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 8.5m.

The proposed dwelling is consistent with the 8.5m height limit as depicted on the architectural plans provided by Tullipan homes, and shown below:

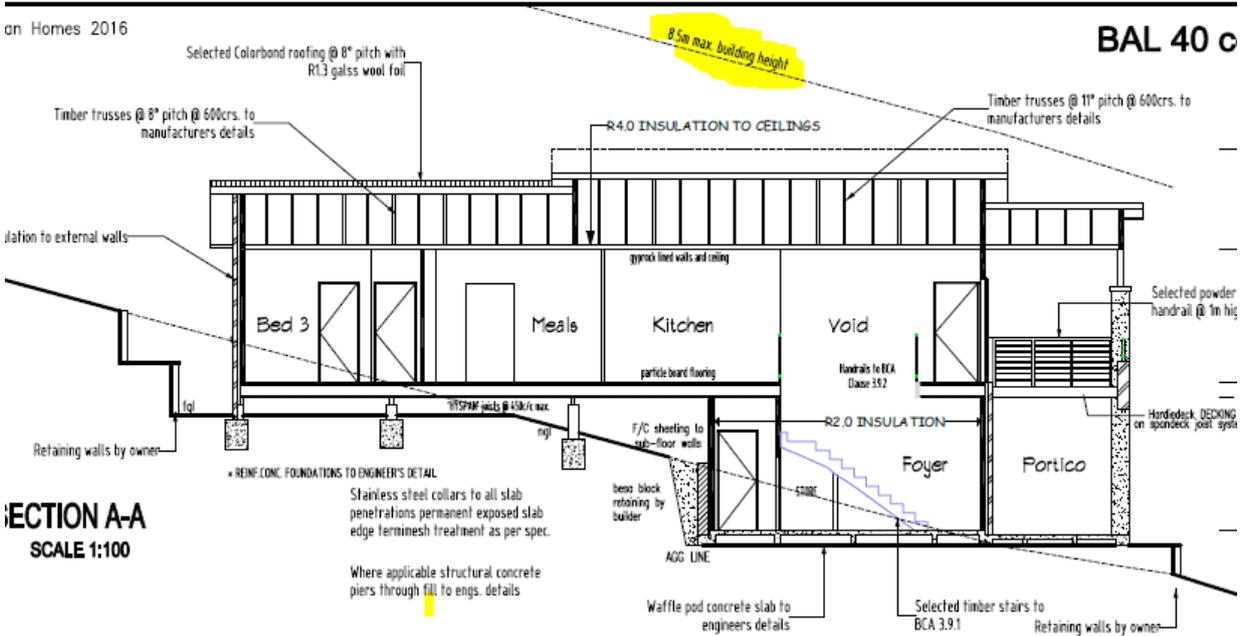


Figure 2: Section demonstrating compliance with the 8.5m

4.1.3 Acid Sulfate Soils

The site is identified within Class 5 on the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

4.1.4 Earthworks

The consent authority can be satisfied that the excavation proposed to accommodate the new dwelling and horse facilities will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 7.2 of PLEP 2014. See further discussion with regard to clause 7.7 of PLEP 2014.

4.1.5 Biodiversity

The site is identified as “Biodiversity” on the Biodiversity Map of PLEP 2014. The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid any significant adverse environmental impact, consistent with the provisions of clause 6.7 of PLEP 2014.

In response to the feedback from Council in the Pre-lodgement Meeting Minutes, the application is supported by a Flora and Fauna Report by Kingfisher as well as an arborist report by L & Co Consultancy.

The design of the development has been with regard to the high value trees on site and minimising loss of canopy across the site. The ecology report has undertaken a study of flora and fauna on site and has provided recommendations for remediation works with regard to weeds as well preventive measures to ensure impacts to flora and fauna are minimised.

4.1.6 Bushfire Prone Land

The site is identified as being bushfire prone land and, as such, a bushfire risk assessment has been prepared and accompanies this application. The Bushfire report provides recommendations for the development to meet requirements under the *Planning for Bushfire Protection 2019*.

4.1.7 Geotechnical Hazards

The site is identified as being within Geotechnical Hazard H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants that considers each of the matters prescribed by clause 7.7(3) of PLEP 2014, and confirms that the development has been design, sited and will be constructed to minimise risk, consistent with the provisions of clause 7.7(4) of PLEP 2014.

4.1.8 Essential Services

Pursuant to clause 7.10 of PLEP 2014, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

As mentioned, the previous applications raised concerns with the suitability of the onsite waste water management. Since then the owners have engaged Martens to develop a connection to existing sewer infrastructure which can service the site. Connection to the existing sewage infrastructure is preferred over onsite waste water system, in particular with regard to the animal waste.

4.2 Pittwater 21 Development Control Plan

4.2.1 Warriewood Valley Locality

The site is located within the Warriewood Valley Locality, which is described as follows:

Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map). It comprises of land known as "Stage 1 Release" and land identified as the Warriewood Valley Release Area.

The Warriewood Valley Release Area, first identified in 1997 as a Release Area, comprises of 110 hectares including 32.68 hectares of industrial/commercial land and associated community facilities and infrastructure. Two recent reviews have been undertaken, firstly the Warriewood Valley Strategic Review 2012 and secondly the Warriewood Valley Strategic Review Addendum Report 2014. The Release Area now includes land within 400m of the Warriewood Sewerage Treatment Plant (known as Buffer Areas 1, 2 and 3) encompassing an area of approximately 190 hectares.

Warriewood Valley Release Area is primarily a residential area expected to provide a total of 2,451 new dwellings (this figure includes the dwellings approved under the former Part 3A legislation but does not include development in Stage 1 Release considered to be completed in 1997.). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).

Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creekline corridors, roads and open space areas form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.

Stage 1 Release, has a residential component and a business/industrial component. The residential area is characterised by two storey residential attached dwellings with the area fully developed. The industrial/business area is defined by up to three storey large complexes that generally contain smaller units. The majority of the business/industrial zoned land has been developed with some smaller parcels still to be developed in the northern industrial area.

The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.

Warriewood Valley is affected by various hazards and contains heavily vegetated areas, threatened species, or areas of natural environmental significance, which are identified on various maps within the Pittwater LEP 2014.

A number of identified heritage items are located in Warriewood Valley.

4.2.2 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
Part B General Controls			
B3.1 Landslip Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report by Davies Geotechnical Consultants, consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
B3.2 Bushfire Hazard	Development land to which this control applies must comply with the requirements of: Planning for Bushfire Protection (2006) Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area	A bushfire risk assessment has been prepared and accompanies this application.	Yes
B4.2 Flora and Fauna Conservations Category 1 and Wildlife Corridor	Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees	The application is supported by a Flora and Fauna Report which confirms that proposed development does not result in any impacts upon existing significant vegetation. Remediation recommendations are proposed with regard to weed removals Tree removal has been detailed within the arborist report with recommendations	Yes

Control	Requirement	Proposed	Compliance
		<p>proposed to protect within proximity to the development areas. Impacts to the tree canopy have been minimised as much as possible to facilitate the development.</p>	
<p>B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor</p>	<p>Development shall not negatively impact on threatened species, endangered populations or endangered ecological communities.</p>	<p>As per above.</p>	<p>Yes</p>
<p>B4.22 Preservation of Trees and Bushland Vegetation</p>	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To effectively manage the risks that come with an established urban forest through professional management of trees.</p> <p>To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.</p>	<p>A detailed arborist report has been prepared and accompanies this application.</p> <p>The site is currently under developed and characterised with dense tree coverage. The design has been developed in close consultation with the project arborist to minimise the removal of trees and retain the high value trees on site.</p> <p>The project has endeavoured to strike a balance between the orderly and economic use of the site which permits animal boarding and training facilities with consent and the loss of trees.</p>	<p>Yes</p>
<p>B5.15 Water Management</p>	<p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water</p>	<p>The application is accompanied by Stormwater Management Plans which demonstrate consistency with Council's Water Management for Development Policy.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	Management for Development Policy.		
B6.1 Access Driveways and Works on the Public Road Reserve	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.	The existing vehicle crossover and driveway access will be retained.	Yes
B6.2 Internal Driveways	The design of all internal driveways and ramps shall be in accordance with the current edition of the following Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.	The proposed driveway has been designed in accordance with the relevant provisions of AS2890.1. A turning bay/parking area has been provided adjacent to the northern side boundary in proximity to the entry for ease of access.	Yes
B6.3 Off-Street Vehicle and Parking Requirements	2 spaces (minimum)	> 2 spaces Additional spaces are required for horse floats and trailers	Yes
B8.1 Construction and Demolition - Excavation	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report, consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes

Control	Requirement	Proposed	Compliance
		<p>Demolition of the existing dwelling is requested to occur following construction of the new dwelling to allow the occupants to remain on site.</p> <p>A condition of consent is requested to have the existing dwelling be demolished within a reasonable timeframe once an occupation certificate is issued for the new dwelling.</p>	
B8.3 Construction and Demolition – Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Construction and Demolition Waste Management Plan.	Yes
C1 Design Criteria for Residential Development			
C1.1 Landscaping	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping that reflects the scale and form of development.</p>	<p>The development will retain much of the existing natural landscaping on site. The horse arena and paddocks will retain the rural landscape character of the zone and maintain the sense of openness.</p> <p>New landscaping is proposed to run along the front boundary to achieve screening of the horse arena from the street. Existing street trees will be preserved as well.</p>	Yes

Control	Requirement	Proposed	Compliance
C1.2 Safety and Security	The development is to be designed in accordance with the four CPTED principles.	The dwelling house provides appropriate casual surveillance of the street.	Yes
C1.3 Views	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	No views will be impacted.	Yes
C1.4 Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p>	<p>The larger lot context and the location of the new dwelling will not result in any overshadowing impacts.</p> <p>The new dwelling will receive ample solar access.</p>	Yes
C1.5 Visual Privacy	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to	No visual impacts will be associated with the development given the large lot nature of the site and its spatial separation from	Yes

Control	Requirement	Proposed	Compliance
	be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation (measured from a height of 1.7 metres above floor level).	dwellings in the immediate area.	
C1.6 Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The dwelling and horse facilities do not give rise to any unreasonable acoustic impacts.	Yes
C1.7 Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres.	More than 80m ² of private open space is provided across the site.	Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations.	The proposed swimming pool has been designed and will be constructed in accordance with the relevant provisions of Swimming Pools Act 1992 and regulations.	Yes
Part D1 Warriewood Valley Locality			

Control	Requirement	Proposed	Compliance
<p>D16.1 Character as viewed from a public place</p>	<p>The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p>	<p>The site is located opposite fairly recent low density residential developments associated with the Warriewood land release area.</p> <p>The proposal will maintain its rural landscape zone character when viewed from the public domain and dwelling opposite. The horse arena adjacent to the front boundary will be screened from the street with new hedge planting. Its open nature ensure there would be no unreasonable visual impacts on the streetscape.</p> <p>The new dwelling location does not raise any unreasonable impacts with regard to the character of the area.</p> <p>Horse stables and paddocks, where they will spend the most time, are located behind the horse arena limit any potential adverse impacts on the residents opposite the street.</p>	<p>Yes</p>
<p>D16.6 Front Building Line</p>	<p>No applicable front setback control for RU2 sites mapped as being within the Warriewood Valley area</p>	<p>The site is mapped as being within the Warriewood Valley area and does not have any specific front setback controls. Notwithstanding, on merit the proposed front setbacks are considered reasonable.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
		<p>The horse arena is proposed to have a variable setback to the fence line from 2m towards the south end and increases due to the angle of the front boundary as it extend to the north. It will include new screen planting minimise any visual impact. The front setback will remain open and free of large structures.</p> <p>The dwelling will be setback 47m from the street.</p>	
D16.6 Side and Rear Building Lines	900mm	The new dwelling is 18m from the side boundary.	Yes

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.3.1 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time with no prior known land uses. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

4.4 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

(iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

(iiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

(iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *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 assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*

- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

A flora and fauna and arborist report is provided.

Waste Collection

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors.

Natural hazards

The application is supported by technical reports addressing the natural hazards that affect the site.

Economic Impact in the locality

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*

- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed development responds positively to the desired future character of the Warriewood Valley Locality and is appropriately located on the site. The works are permissible with consent and a animal boarding and training facility is reasonably anticipated on this site. Impacts to existing trees and the biodiversity value of the site has been considered and minimised to allow for a reasonable balance between development and environmental protection.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

Boston Blyth Fleming Pty Limited

William Fleming

Director