

STATEMENT OF ENVIRONMENTAL EFFECTS REPORT

Demolition of existing dwelling & associated structures & construction of dual-occupancy (attached) & associated works

41 Ferguson Street, Forestville

December 2024

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1.0 INTRODUCTION

Metro Planning Services has been engaged to prepare a Statement of Environmental Effects Report (SEE) in support of a development application which seeks consent for the demolition of the existing dwelling and construction of a two (2) storey dual-occupancy (attached) with associated works (swimming pool and landscaping) at 41 Ferguson Street, Forestville.

The site is zoned R2 'Low Density Residential' under the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011) which prohibits dual occupancy development in the R2 Low Density Residential Zone. However, the proposed development is permissible with Council consent under Clause 141C, Part 12 of State Environmental Planning Policy (Housing) 2021 which permits dual-occupancy developments within R2 'Low Density Residential' zones.

The development seeks consent for a minor height where the balcony roof of unit 2 exceeds the mapped height requirement by 350mm (4.12%) and does not comply with Clause 4.3 'Height of Buildings' of the WLEP 2011. As such, a Clause 4.6 request for variation to Clause 4.3 has been prepared to accompany this statement and justify the minor variation.

The proposal is likewise applicable to the Warringah Development Control Plan 2011 and is found to be generally compliant except for the wall height control. The non-compliance is further justified in the body of this report.

The report is intended to assist Northern Beaches Council in its assessment of the application and incorporates the following details:

- Description of site and context;
- Description of proposed development;
- Consideration of relevant planning considerations;
- Consideration of relevant environmental effects; and
- S4.15-Matters for Consideration under EP & A Act

The report should be read in conjunction with the following supporting material:

- Plan of Survey prepared by Frankham Engineering Surveys;
- Architectural Plans prepared by BDT Design;
- Landscaping Plan prepared by BDT Design;
- Stormwater Plan prepared by Cane Consulting;
- Geotechnical Report prepared by AscentGeo; and
- BASIX Certificate prepared by Taylor Smith Consulting

2.0 SITE DETAILS

The following details of the site's locational and physical characteristics are provided to assist Council in the assessment of the development application.

2.1 Site Location

The subject land is located at No. 41 Ferguson Street, Forestville as identified on the locality plan contained in **Figure 1**.

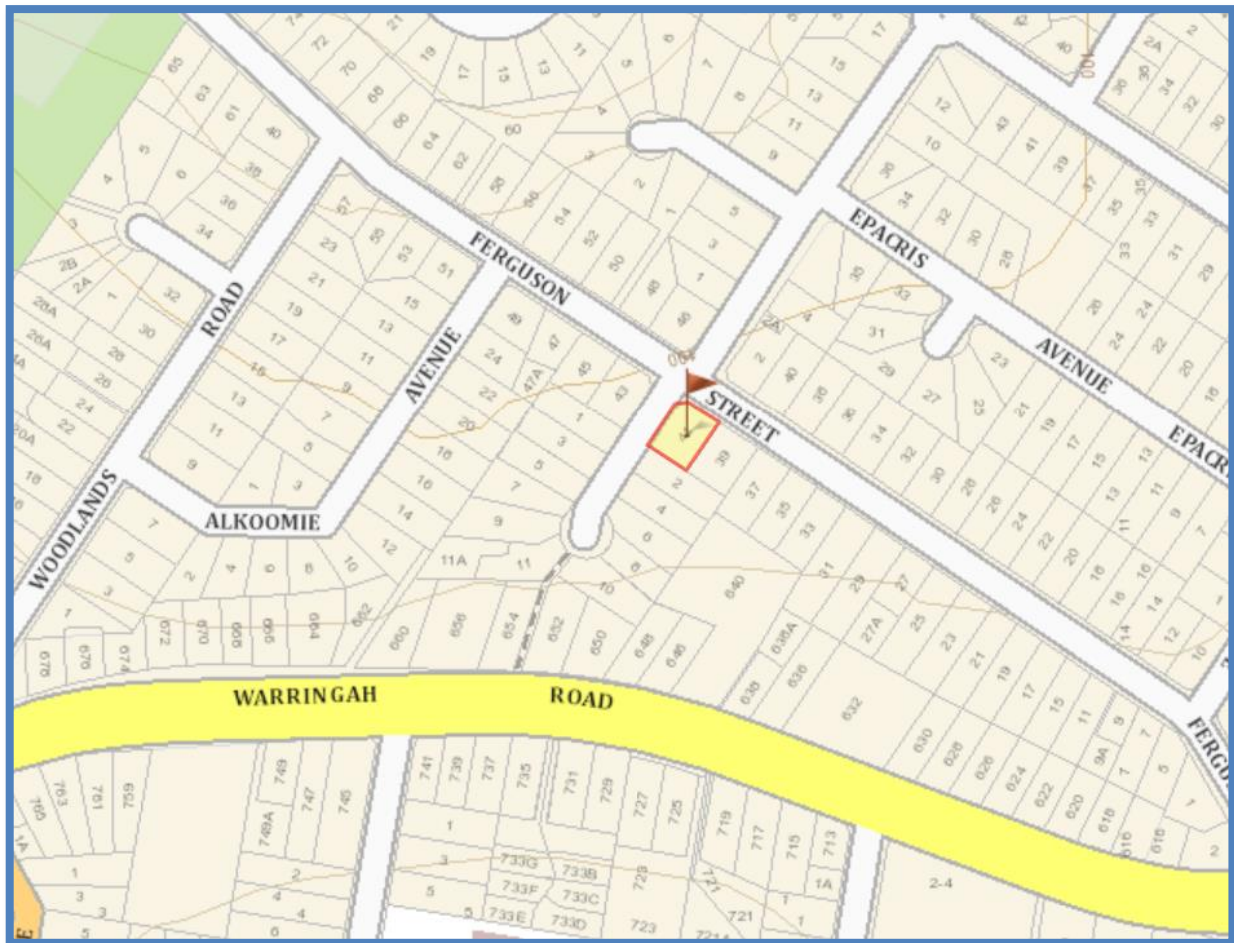


Figure 1-Location plan (SIX Maps).

2.2 Site Description

The subject land is legally described as 13 within DP25368 and is known as 41 Ferguson Street, Forestville. The site is located within a R2 Low Density Residential zone under the WLEP 2011.

The site has a total area of approximately 714.1m² and is rectangular in shape, as demonstrated on the submitted Plan of Survey prepared by Frankham Engineering Surveys and included in **Figure 2** below.

The site is a corner allotment that fronts both Ferguson Street and Ashton Avenue. The site has a frontage of 19.20m to Ferguson Street and 25.91m to Ashton Avenue. The site currently contains a

single storey dwelling with a detached outbuilding garage. An established Council street tree planting and power pole are both located in the northern road reserve adjoining Ferguson Street.

The site slopes from the southern corner (RL104.65) to the northern junction of Ferguson Street and Ashton Avenue (RL100.50) by a difference of approximately 4.15m.

The site is mapped as Area B - Flanking Slopes 5 to 25 and as such a Geotechnical Report prepared by AscentGeo has been lodged in support of this application.

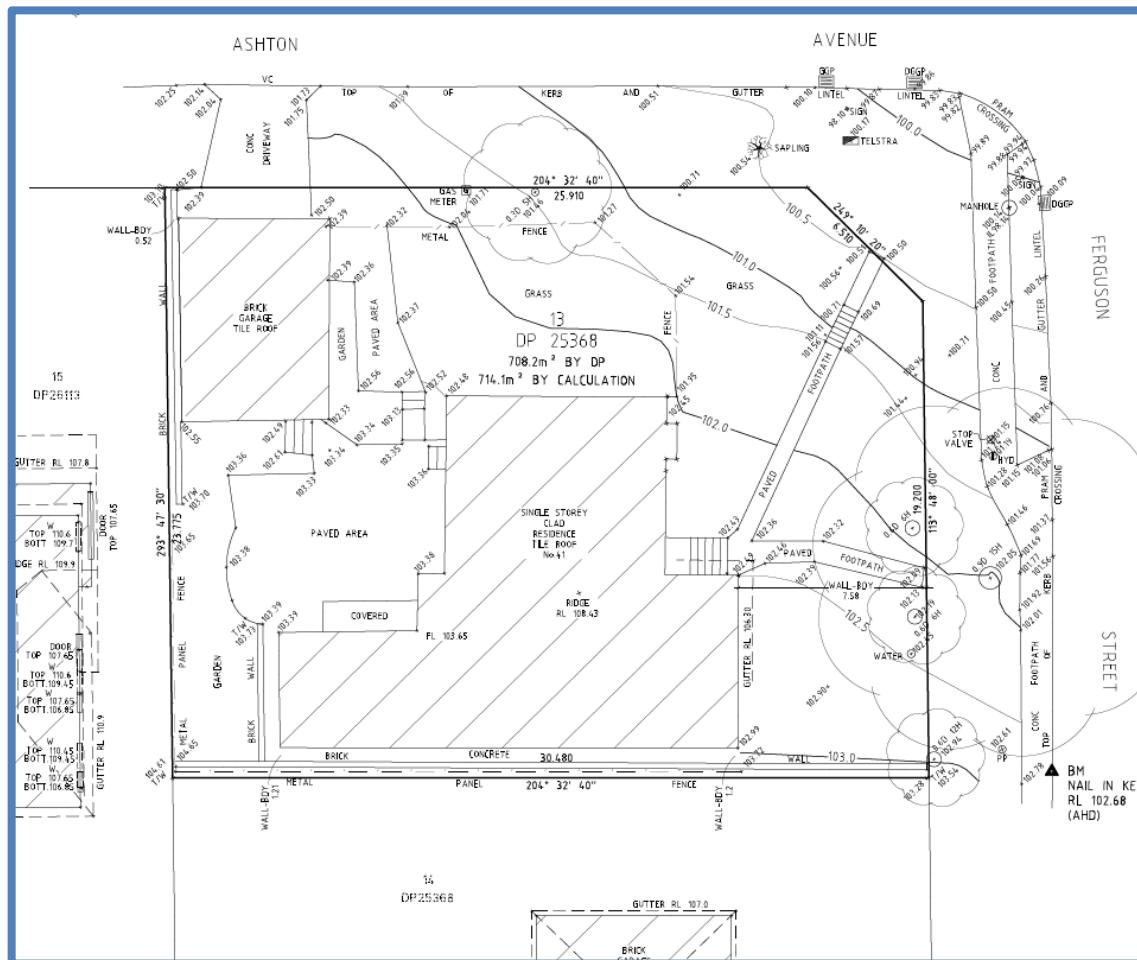


Figure 2- Plan of Survey (Frankham Engineering Surveys).



Figure 3-Aerial view of site (SIX Maps)



Figure 4 -View of existing dwelling as seen from Ferguson Street (Google Maps).



Figure 5 -View of existing dwelling as seen from Ashton Avenue (Google Maps).

2.3 Site Context

The site is within a low-density residential area of Forestville. The locality consists of typical low-density residential dwellings with associated structures including swimming pools, carports and detached garages.

3.0 PROPOSED DEVELOPMENT

The development application seeks Council consent for a new dual-occupancy development, with associated works, at 41 Ferguson Street, Forestville. Demolition of the existing dwelling on site and associated structures is also proposed under this application. The construction works are explained in greater detail as follows (mirror design):

Lower Ground Floor

- Double garage with turntable for forward exit.
- Two store rooms.
- Bin storage.
- Foyer room.
- Water closet.
- Lower ground floor staircase.
- Lower ground floor lift.

Ground Floor

- Front porch and entry area.
- Guest room.
- Open plan family, dining and kitchen room with associated pantry and nearby laundry.
- Guest bedroom with bathroom.
- Water closet and linen space.
- Ground floor staircase.
- Ground floor lift.

First Floor

- Street-facing balconies.
- Master bedroom with ensuite and walk-in-robe.
- Two (2) additional bedrooms.
- Study room.
- Bathroom.
- First floor staircase.
- First floor lift.

External Works

- New single driveway with associated vehicular crossover from Ferguson Street (Unit 1) and Ashton Avenue (Unit 2).
- 9KL plunge pool.
- Rear facing patios.
- Associated rear yard landscaping.

The total floor area for the development will result in approximately 361m² of GFA, resulting in an FSR of 0.65:1, although it is noted that Council does not have an FSR requirement for this site.

Due to the sloping topography of the site, the maximum height of the development varies. The majority of the footprint is located within the 8.5m maximum allowable height limit, however there is a portion of the development (as shown on the Western elevation) which exceeds the allowable 8.5m maximum.

Unit 1 will have a ridge line of RL110.35 with the lowest natural ground level below, being RL102.50, as shown on the Northern elevation. This will result in a maximum height of 7.26m which complies with Council's 8.5m maximum.

Unit 2 will have a ridge line of RL109.85 with the lowest natural ground level below, being RL101.00, as shown on the Western elevation. This will result in a maximum height of 8.85m which exceeds the maximum allowable by 350mm or 4.12%.

In response to the above, a Clause 4.6 request for variation to Clause 4.3 'Height of Buildings' under WLEP2011 has been prepared and lodged in support of this application. Notably, this exceedance is minor and relates solely to eave/roof structure.

The proposal seeks two vehicle access crossovers with associated single driveways and double (basement level) garages. Unit 1 seeks access from Ferguson Street whilst Unit 2 seeks access from Ashton Avenue. The proposed below-ground garages have provided a turntable to be installed to allow for vehicles to enter and exit in a forward direction. The driveway and associated vehicle access crossover will be constructed as per Council and Australian Standards.

The stormwater management will collect roofwater from the new dwellings to two (2) On-Site Detention tanks located within their separate lots as detailed on the supporting Stormwater Management Plan prepared by Cane Consulting. Unit 1 will collect and disperse to Council's collection system in Ferguson Street, whilst Unit 2 will collect and disperse to Council's collection system in Ashton Avenue.

The proposal seeks removal of four (4) insignificant trees in total that are listed as exempt tree species, three (3) of which are located on the property, two (2) at Ferguson Street and one (1) on Ashton Avenue whilst one (1) is located just beyond the front boundary in the road reserve adjacent to Ferguson Street.

Refer to architectural plans and concept stormwater plan in **Figures 6 to 13**.

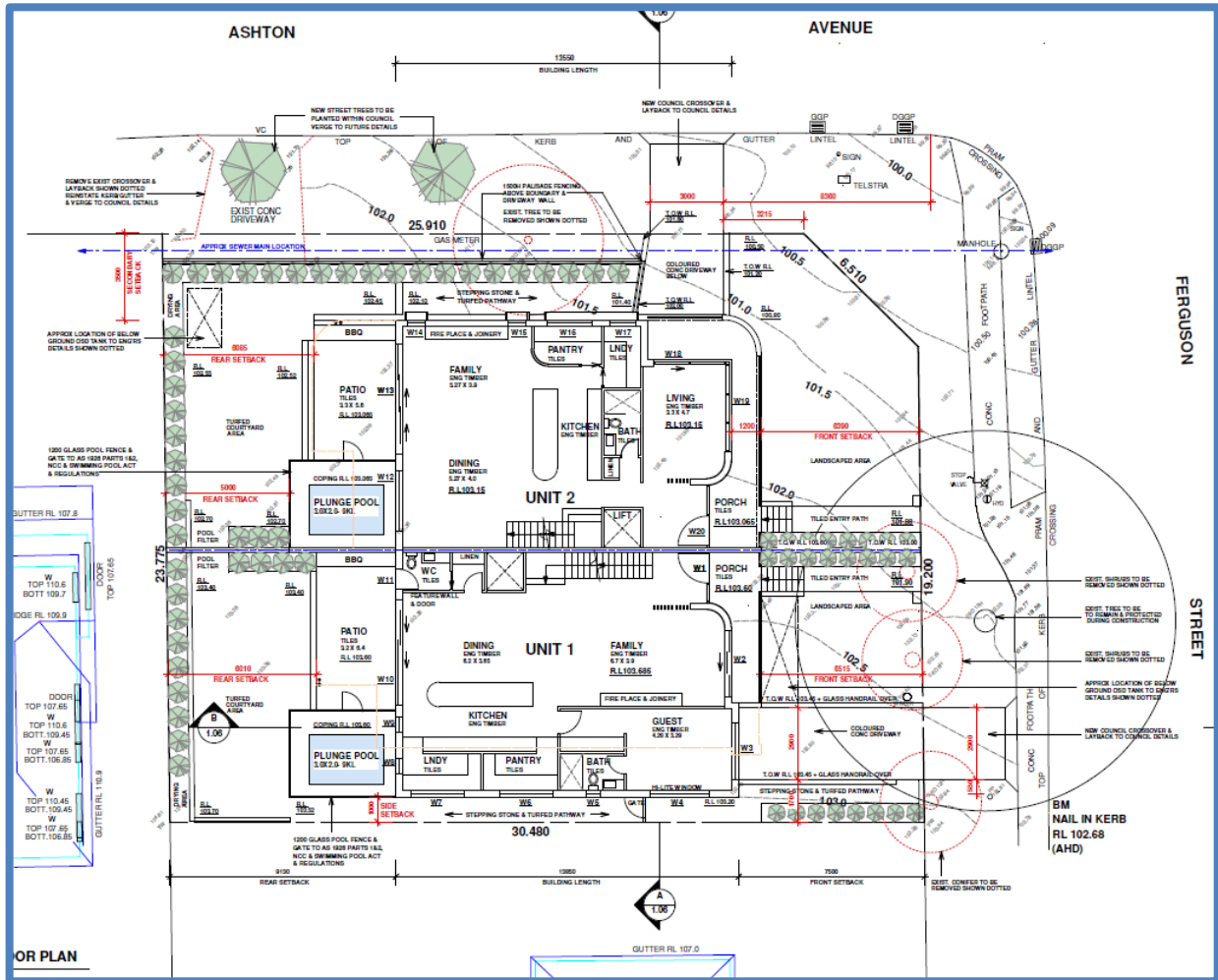


Figure 6 - Proposed site plan (BDT Design).

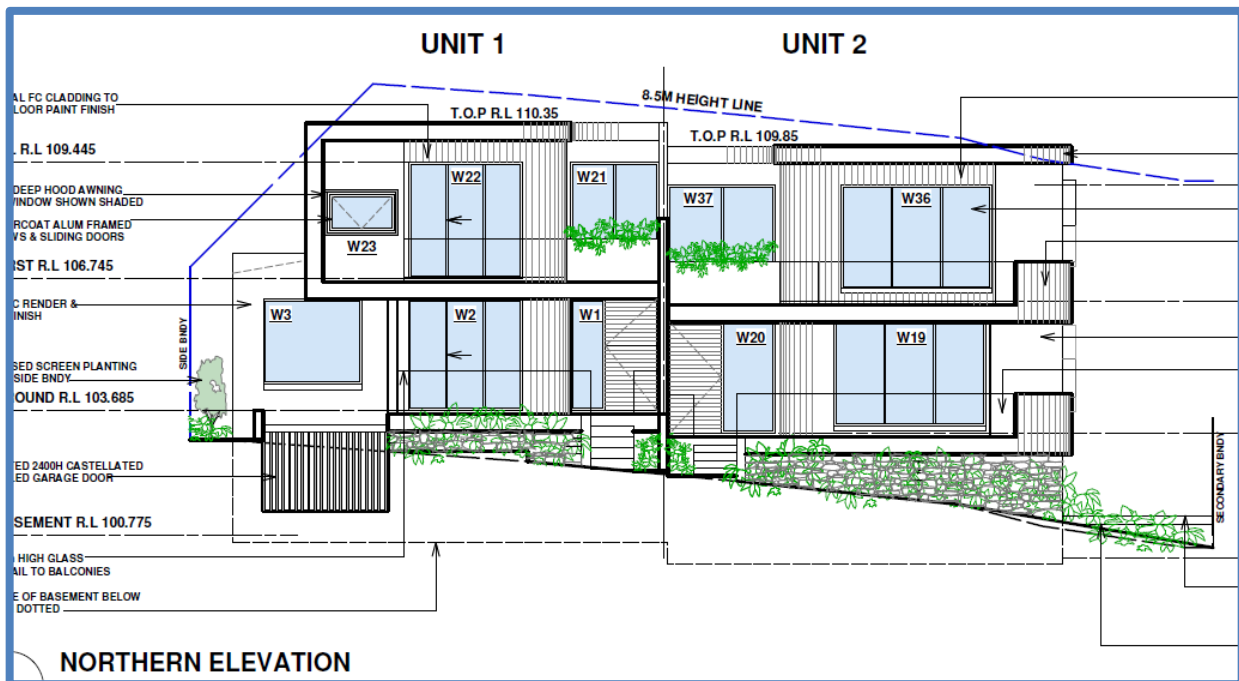


Figure 7 – proposed northern elevation (BDT Design).

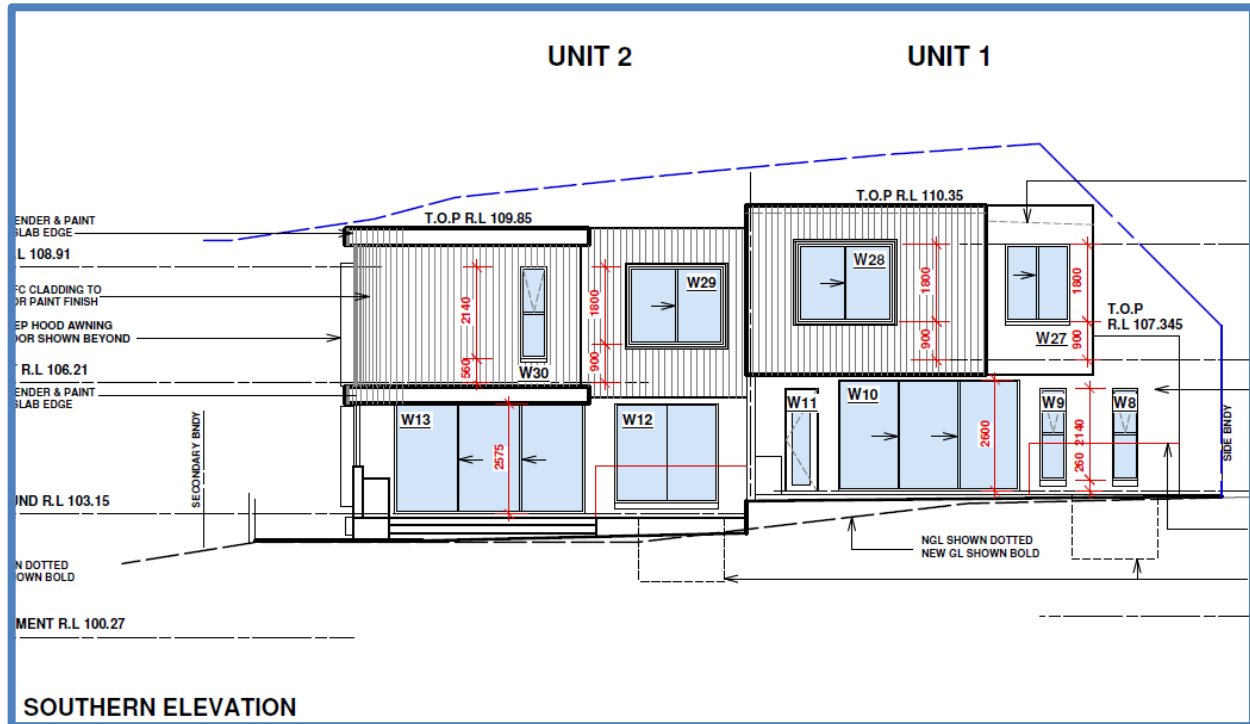


Figure 8 - Proposed southern elevation (BDT Design).

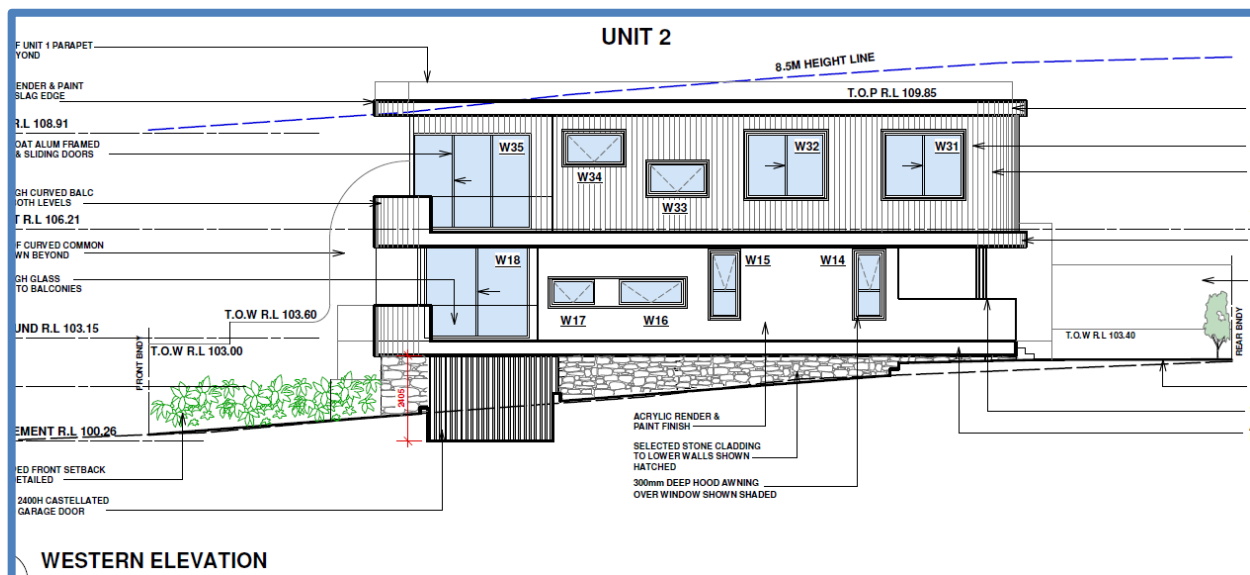


Figure 9 – Proposed western elevation

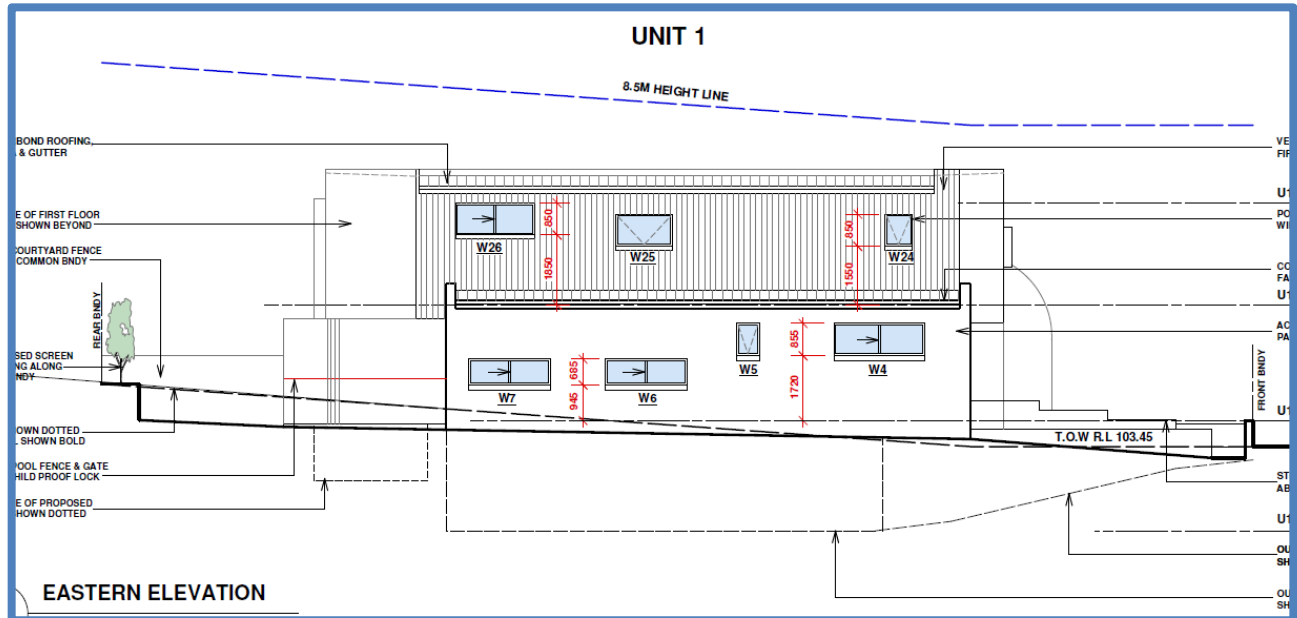


Figure 10 – Proposed eastern elevation

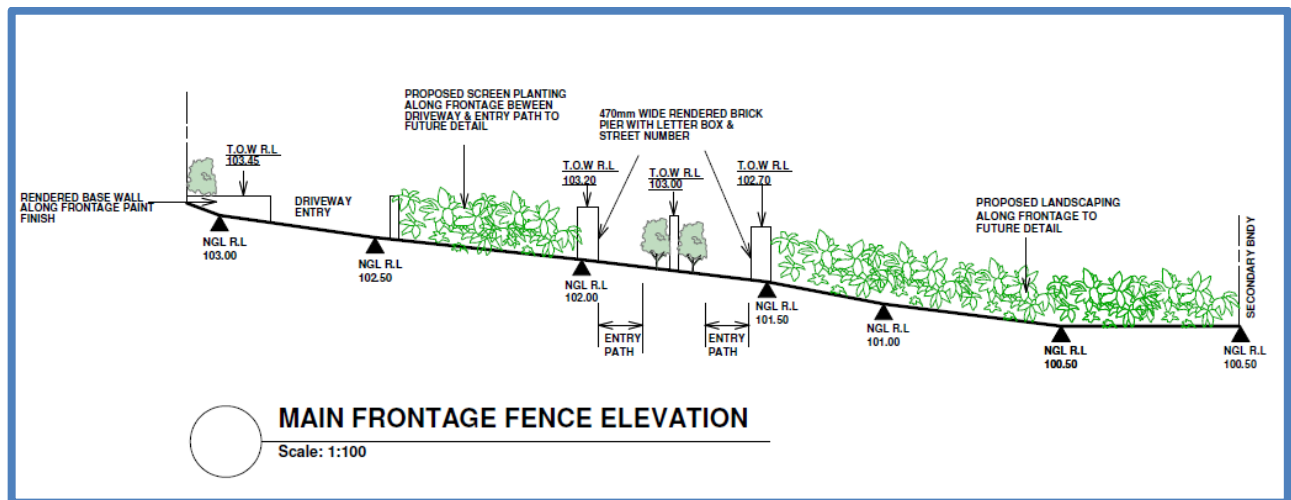


Figure 11 – Proposed main frontage fence elevation to Ferguson Street

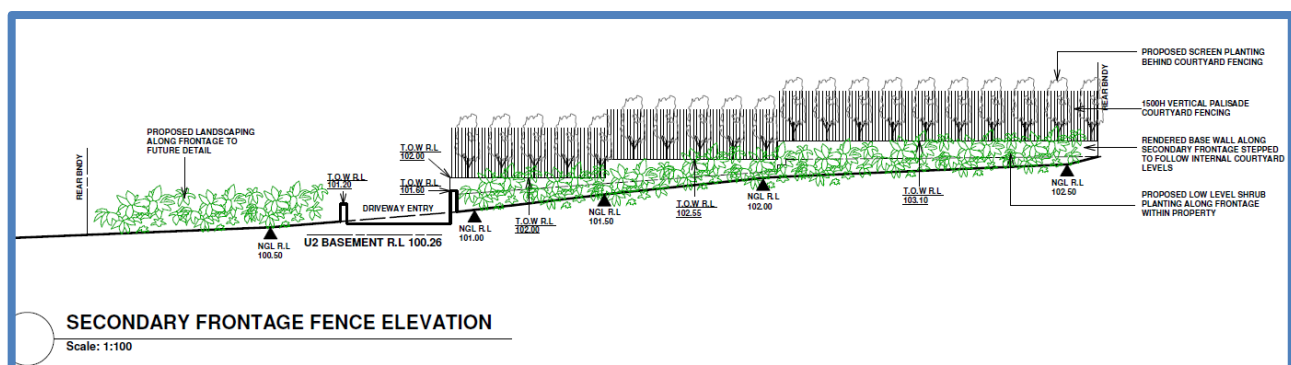


Figure 12 - Proposed secondary fence elevational to Ashton Avenue (BDT Design).

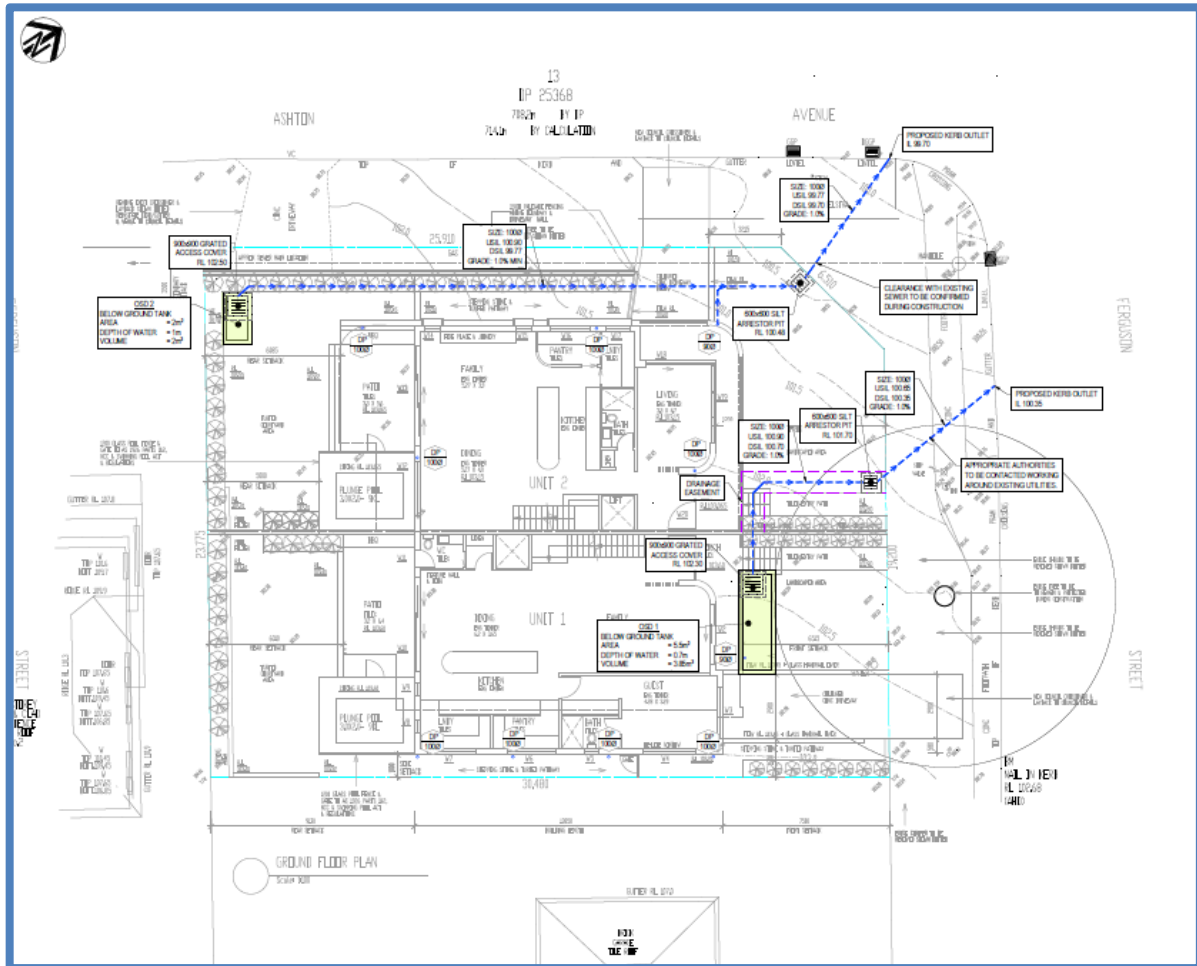


Figure 13 - Proposed stormwater management plans (Cane Consulting).

4.0 PLANNING CONSIDERATIONS

4.1 State Environmental Planning Policy (Housing) 2021

The above SEPP (Housing) as amended allows for dual-occupancy developments within R2 Low-Density Residential zones, where otherwise the development is not permissible under Warringah Local Environmental Plan. Part 12 of the Housing SEPP. We note that the site is not constrained by any restrictions under Clause 141B of the Housing SEPP that would preclude it from Dual occupancy development. Accordingly, the proposed dual occupancy development is permissible with consent under Clause 141C.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site is not identified in the Council's records as being contaminated. Aerial photography reveals the site does not have an obvious history of a previous non-residential land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed development.

4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate is submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

4.4 State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 2 of State Environmental Planning Policy (Biodiversity & Conservation) 2021 seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The proposal seeks removal of four (4) insignificant trees in total that are listed as exempt trees species, three (3) of which are located on the property, two (2) at Ferguson Street and one (1) on Ashton Avenue whilst one (1) is located just beyond the front boundary in the road reserve adjacent to Ferguson Street. The development does not seek to remove or unduly impact the substantial tree planting in Ferguson Street, as demonstrated on the submitted architectural plans.

To compensate for the loss in tree canopy, landscaping is proposed across the site with various shrub plantings across the front and rear setback. Should Council wish to impose replacement plantings for canopy loss the preference would be to be located within the front setback, where substantial landscaped area and deep soil space is available for viable plantings. On this basis, the proposal is consistent with the Biodiversity & Conservation State Environmental Planning Policy.

4.5 Warringah Local Environmental Plan 2011 (WLEP 2011)

The subject land is zoned R2 - Low Density Residential under the provisions of WLEP 2011 and the proposed dual-occupancy (attached) is prohibited under WLEP 2011 but is permissible with consent under Clause 141C of the Housing SEPP 2021.

It is noted that the development seeks consent for a minor height where the balcony of unit 2 exceeds the mapped height requirement by 350mm (4.12%) and does not comply with Clause 4.3 'Height of Buildings' of the WLEP 2011. As such an accompanying Clause 4.6 request for variation has been prepared in conjunction with this report.

An assessment of the proposal with relevant clauses of WLEP 2011 is addressed below.

Warringah Local Environmental Plan 2011		
Clause	Comment	Compliance
1.0 PRELIMINARY		
1.2 Aims of Plan	Proposal consistent with aims of the plan.	Yes
2.0 PERMITTED OR PROHIBITED DEVELOPMENT		
2.1 Land use Zones	The site is zoned R2- Low Density Residential.	Yes
2.3 Zone Objectives	The development is consistent with the objectives of the R2 zone as detailed below.	Yes
LAND USE TABLE		

1 Objectives of Zone	<ul style="list-style-type: none"> 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. <p>The proposal is considered to meet the objectives of the R2 zone as the proposal provides for the housing needs of the low-density residential environment and is not out of character with nearby residences. The proposal likewise will meet the day to day needs of future occupants and will not significantly impact upon the natural environment of Warringah.</p>	Yes
2.7 Demolition requires consent	Consent is sought for demolition of the existing dwelling and associated structures.	Yes
4.0 PRINCIPAL DEVELOPMENT STANDARDS		
4.3 Height of Buildings 8.5m	The proposed maximum height of the development is 8.85m measured on the western side of Unit 2. This does not comply with the 8.5m maximum prescribed under this clause. A clause 4.6 request to vary Clause 4.3 has been prepared and is to be read in conjunction with this report.	Yes
4.4 Floor Space Ratio (FSR)	Site not mapped with an FSR requirement.	N/A
4.6 Exceptions to development standards	The proposal seeks exception to Clause 4.3 'Height of Buildings' as the development exceeds the maximum allowable height by 350mm or 4.12%. A separate document (Attachment A) has been prepared in support of the requested variation.	Yes
5.0 MISCELLANEOUS PROVISIONS		
5.10 Heritage Conservation	The site is not located within a HCA or listed as a Heritage Item or located near any Heritage Items.	Yes
5.11 Bush fire hazard reduction	The site is not mapped as Bush Fire prone land.	N/A
5.21 Flood Planning	The site is not mapped as flood prone land.	Yes
6.0 ADDITIONAL LOCAL PROVISIONS		
6.1 Acid Sulfate Soils	The site is not listed as having Acid Sulfate Soils.	Yes

6.2 Earthworks	Earthworks to a maximum height of approximately 1.75m (basement garage Unit 1) is proposed to facilitate the development. The proposed excavation is not considered to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The development is therefore considered acceptable in this regard.	Yes
6.4 Development on sloping land	The site is mapped as Area B - Flanking Slopes 5 to 25 and as such a Geotechnical Report prepared by AscentGeo has been lodged in support of this application.	Yes

4.6 Warringah Development Control Plan 2011 (WDCP 2011)

The proposal is subject to consideration under the following relevant controls of Warringah Control Plan 2011.

WARRINGAH DEVELOPMENT CONTROL PLAN 2011			
CONTROLS	REQUIRED	PROVIDED	COMPLIANCE
PART B –BUILT FORM CONTROLS			
B1 Wall Heights	7.2m	Total wall height of the development is 8.5m, as measured from the ceiling to the natural ground level below.	No. See discussion below.
B2 No of Stories	N/A	N/A	N/A
B3 Side Boundary envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment.	Building envelope complies.	Yes
B4 Site Coverage	N/A	N/A	N/A
B5 Side Boundary setbacks	0.9m All development: Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback Ancillary to a dwelling house: Consent may be	Basement = 1m & 3.5m. Ground Floor = 1m & 3.5m First Floor = 3m & 3.5m Sufficient side boundaries provided for each side boundary to each level.	Yes

	granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with the requirements of this clause		
B6 Merit assessment of side boundary setbacks	N/A	N/A	N/A
B7 Front Boundary setbacks	Primary-6.5m	Front setback is approximately 6.715m as measured to the porch area.	Yes
B8 Merit assessment of front boundary setbacks	N/A	N/A	N/A
B9 Rear boundary setback	6.0m	Rear boundary setback is approximately 6.01m (Unit 1) and 6.086m (Unit 2).	Yes
B10 Merit assessment of rear setbacks	N/A	N/A	N/A
B11 Foreshore Building Setback	N/A	N/A	N/A
B12 National Parks Setback	N/A	N/A	N/A
B13 Coastal Cliffs setback	N/A	N/A	N/A
B14 Main Roads Setback	N/A	N/A	N/A
PART C-SITING FACTORS			
C2 Traffic, access & safety	Vehicle crossing to be provided in accordance with Council's vehicle crossing policy.	Vehicle crossing to standards will be provided. With regard to the proposed vehicular driveway and associated basement level garages: - The driveway to unit 1 is 580mm from the existing Power Pole on Ferguson Street. - Both lower ground parking areas will	Yes

		<p>have a turntable installed to enable the exit in a forward direction.</p> <ul style="list-style-type: none"> - Landscaping and walls along the driveway will be no higher than 1m either side to ensure sight lines are maintained. 	
C3 Parking Facilities	Garages not to visually dominate façade. Parking to be in accordance with AS/NZS 2890.1.	Parking facilities and parking rate comply with dwelling rates as per Appendix 1 and standards.	Yes
C4 Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Stormwater concept design considered acceptable as the development meets rainwater tank requirements and will drain to Council's collection system in Ferguson Street & Ashton Avenue.	Yes
C6 Building over or adjacent to constructed Council drainage easements	N/A	N/A	N/A
C7 Excavation & landfill	Site stability to be maintained.	Geotechnical Report submitted in support of application.	Yes
C8 Demolition & construction	Waste Management Plan required.	Waste Management Plan provided.	Yes
C9 Waste Management	Waste storage area to be provided.	There is sufficient area on site for waste and recycling bins behind the building line. Development complies with waste management guidelines.	Yes
PART D-DESIGN			
D1 Landscaped open space & bushland	Minimum 40% landscaped area required.	Minimum of 40% landscaped area is retained within the	Yes

		front and rear setbacks. Sufficient space for deep soil planting is provided in both front and rear yards for both dwellings.	
D2-Private Open Space	Dwelling houses with three or more bedrooms. Min 60m ² with min dimension 5m	Site provides for excess private open space.	Yes
D3 Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements.	Ventilation/AC Units and swimming pool filters to be conditioned by Council in accordance with relevant policies.	Yes
D4 Electromagnetic radiation	N/A	N/A	N/A
D5 Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun. Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements.	Proposed extension and floor addition receive northern sun.	Yes
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Solar access requirements for the subject and adjoining properties are achieved between 9am and 3pm on 21 June Winter Solstice.	Yes
D7 Views	View Sharing to be maintained.	View sharing has been maintained via the positioning and setbacks of the development. It is noted that there are no significant water or skyline views within the locality.	Yes
D8 Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable	Proposal has orientated all new elevated windows towards the front and	Yes

	rooms and principle private open space of adjoining properties.	<p>rear boundaries where practical. The majority of the high-use living rooms have been located on the ground floor so as to limit overlooking.</p> <p>Porch, patios and balconies have been orientated towards the front and rear.</p> <p>It is noted that due to the sloping topography of the site, some element of overlooking is inevitable.</p>	
D9 Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	The new dwellings are consistent with newer developments along Ferguson Street and the Warringah locality. The proposed structure is consistent with adjoining developments and will not visually dominate the streetscape. The proposed development is appropriately articulated and comprises a broad range of materiality and colour selections to ensure that it will make a positive contribution to the streetscape.	Yes
D10 Building and Colours materials	External finishes and colours sympathetic to the natural and built environment.	Building colours and materials are sympathetic to the existing dwelling and surrounds.	Yes
D11 Roofs	The LEP requires that roofs should not dominate the local skyline.	Roof design responds to the natural topography of the land and does not	Yes

		dominate the local skyline.	
D12 Glare & Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Reflective building materials is minimised.	Yes
D13 - Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	<p>No front fencing proposed to Ferguson Street. Only landscaping provision to primary frontage of Ferguson Street. View Figure 11 for elevation.</p> <p>The secondary frontage to Ashton Avenue comprises a combination of low level landscaping and decorative style fencing to a maximum height of 1.6m. A higher fence is required for visual privacy reasons. Refer to fence elevation contained in Figure 12. The proposed front fencing and landscaping will make a positive contribution to the streetscape.</p>	Yes
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street. Landscaping to be provided to reduce the view of the site facilities.	No adverse visual impacts foreseen by additional waste areas.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	No new fencing is proposed.	N/A
D16 Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to	Swimming pools are located within rear yards and are minimal in size (plunge pool) that does not provide	Yes

	have regard for neighbouring trees.	for significantly elevated coping.	
D17 Tennis Courts	N/A	N/A	N/A
D18 Accessibility	Safe and secure access for persons with a disability to be provided where required.	N/A	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A	N/A	N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Noted.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided.	Utility services will be provided prior to occupation.	Yes
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Basix Certificate submitted.	Yes
D23 - Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views or potentially hazardous road features or traffic control devices.	N/A	N/A
E1 Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Proposal does not require the removal of any significant vegetation. The large Council street tree in the Ferguson Street road reserve is to be retained. The proposed trees for removal are considered insignificant and exempt species that do not warrant preparation of an Arborist Report. The trees requiring removal consist of a conifer and other exempt tree species.	Yes
E3 Threatened	Not identified on map.	N/A	N/A

species, populations, ecological communities			
E4 – Wildlife Corridors	Identified on the wildlife corridors map. No removal of vegetation proposed as part of this application.	N/A	N/A
E5 – Native Vegetation	Not identified on map.	N/A	N/A
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained.	There are no distinctive environmental features on site.	Yes
E7 Development on land adjoining public open space	Site adjoins land adjoining public open space. Development on land adjoining public open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.	Site does not adjoin public open space.	N/A
E8 Waterways and Riparian Lands	Land identified as waterway or riparian land.	Development does not impact on waterway/riparian lands.	Yes
E9 – Coastline Hazard	Not identified on map.	N/A	N/A
E10 Landslip Risk	Identified as landslip risk B.	Proposed development is supported by a Geotechnical Report.	Yes
E11 Flood Prone Land	Site is not affected by Flooding.	N/A	N/A

Variation to Warringah Development Control Plan 2011

B1 Wall Heights

The development seeks a maximum wall height of 8.5m as shown for Unit 2 on the western elevation and exceeds the maximum 7.2m wall height control. To consider a variation to the prescribed development control, the objectives of the control must be considered. The objectives of the wall height are prescribed as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- *To ensure development is generally beneath the existing tree canopy level.*

- *To provide a reasonable sharing of views to and from public and private properties.*
- *To minimise the impact of development on adjoining or nearby properties.*
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

The encroachment of the wall height control is considered acceptable due to the following reasons:

- The portion of non-compliance is located adjacent to Ashton Avenue and as such will not impose significant bulk and scale on adjoining properties.
- This portion of the dwelling is sufficiently setback from the secondary frontage and adequately landscaped, and as such will not impose bulk and scale on the streetscape.
- The proposal will allow for the reasonable sharing of views from public and private properties.
- The non-compliance results from the descending topography of the site, which slopes significantly towards Ashton Avenue.
- The development has provided a varied roof pitch design and roofline.

5.0 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 Section 4.15 of The Environmental Planning and Assessment Act 1979

(a)(i) – The Provisions of any Environmental Planning Instrument

Statutory assessment of the proposal has been previously addressed in Section 4.0.

(a)(ii) – The Provisions of any Draft Environmental Planning Instrument

Nil

(a)(iii) – The Provisions of any Development Control Plan

The proposal has been found to generally comply with the objectives and relevant controls of Warringah Development Control Plan 2011 on planning merit grounds as detailed in Section 4.0. The minor non-compliance to the wall height is deemed worthy of support and does not detract from the residential profile of the area.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The proposal is consistent with relevant Regulations.

(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

The proposal is not inconsistent with any coastal zone management plan.

(b) – The likely impacts of that Development

- **Context and Setting**

The site is located in an established low density residential area. The surrounding area comprises a mixture of typically single and two storey developments. The development complies with the principal development standards specified in the WLEP 2011, with the exception of the maximum building height which is minor in exceedance (350mm/4.12%) and only a point encroachment.

The development is considered to be conducive to the streetscape of Ferguson Street & Ashton Avenue and has been designed to meet the natural topography and constraints of the lot, reducing the overall visual impact on the streetscape. As detailed in Section 4.0 of this report, the amenity impact onto adjoining properties is considered minimal and the setback and building envelope non-compliances has been appropriately justified in the body of the report.

On this basis, we submit that the proposal is consistent with the surrounding residential context of the area.

- **Building bulk & scale**

The facade of the development relates sympathetically to the existing buildings nearby and are designed to architecturally express the different functions of the building. The natural topography and compliant setbacks, aside from minor variations addressed above, will result in two dwellings that will not be bulky or excessive as viewed from Ferguson Street or Ashton Avenue.

The new development has been designed to be consistent with the existing development and sympathetic with surrounding development in terms of style and orientation of openings, roof pitch, materials, colours and general style. The development will not have any adverse impacts upon the surrounding locality and will generally reflect the existing and desired future character.

- **Visual and Acoustic Privacy**

The proposal will not cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties. The development is provided with appropriate separation to living areas of adjoining properties thereby maintaining existing levels of acoustic and visual privacy. Where living rooms and decking/patios are proposed they have been designed to face away from adjoining properties private open space or living rooms, with most windows orientated towards the front and rear where practicable. The development is provided with appropriate boundary setbacks, except for the minor encroachment to the building envelope and wall height as justified above.

- **Vehicular Access & Parking**

The proposal seeks a new vehicle access crossover, driveway and double basement garages from Ferguson Street & Ashton Avenue. The proposed double garages have a turn circle provided to allow for forward-facing entry. The development will allow for sufficient on-site car parking and alleviate on-street car parking. The driveway and associated vehicle access crossover will be constructed as per Council and Australian Standards.

The anticipated traffic generation volumes are minor and envisaged for the site. The additional traffic generation is not expected to adversely affect traffic movements and performance of the surrounding local road network.

- **Stormwater management**

The proposed works allow for all stormwater to drain via gravity fed lines to Council's collection system in Ferguson Street & Ashton Avenue.

- **Utility Services**

Existing electricity, sewer, water and telecommunication services will be provided to the development in accordance with relevant service authority requirements.

- **Social & Economic Impacts**

The proposal will have beneficial social and economic impacts by providing additional housing in a residential area and contributing to the local economy via construction works.

(c) – Suitability of the Site for Development

The subject site is considered to represent a suitable size and configuration on a corner site which lends itself well to accommodating the proposed development. The proposed development is permissible with consent under the Housing SEPP and is also generally consistent with relevant provisions applicable under Warringah LEP 2011 and Warringah DCP 2011. On this basis, the site is considered suitable to accommodate the low density housing development.

(d) – Any submissions made in accordance with this Act or Regulations

Any submissions received will be considered by Council.

(e) – Public Interest

The proposal is consistent with the objectives R2 Low Density Residential zone and permissible under the Housing SEPP 2021. The proposal provides for a new dual occupancy development that will meet the day to day needs of the future occupants whilst also stimulating economic growth in the locality via construction works. On this basis, the proposal is in the public interest.

6.0 CONCLUSION

The proposed development is permissible with consent under Clause 141C of State Environmental Planning Policy (Housing) 2021 which allows for dual-occupancy developments within R2 'Low Density Residential' zones.

The proposal is supported by a detailed Clause 4.6 Variation Report that justifies the minor building height exceedance to the maximum allowable building height of 8.5m by 350mm (4.12%) under Clause 4.3 'Height of Buildings' of the WLEP 2011. We note that the minor height exceedance is only a point encroachment at the end of the unit 2 balcony roof.

The application before the Council provides minimal unreasonable impacts to adjoining and adjacent residential properties. The development is in keeping with the envisaged low density residential character of the locality and no adverse amenity or environmental impacts are foreseen.

The proposal is assessed as being satisfactory, having regard to the matters for consideration contained within Section 4.15 of the EP&A Act 1979.

Accordingly, it is recommended that Council support the proposal and grant development consent subject to conditions of consent.