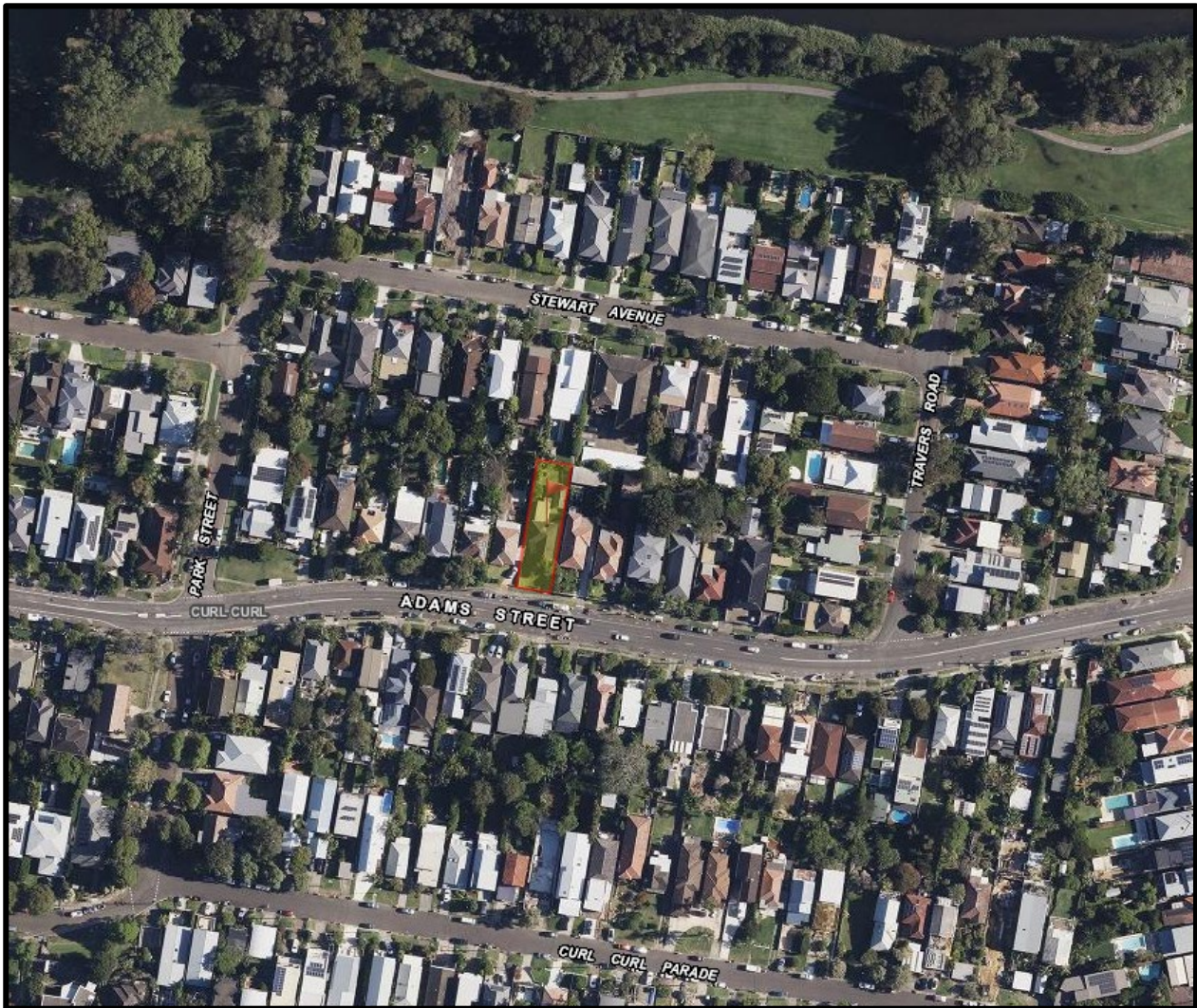


STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 53 DP6260
17 Adams Street,
Curl Curl

PROPOSED DEVELOPMENT: Construction of parking bay and fencing



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INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the creation of parking bay and front fence. This report is based on plans prepared by Right Angle Design and Drafting Ltd. Job Number. RADD223098A, Revision. A21.02.2024, dated February 2024.

The subject site is located on the northern side of Adams Street and is rectangular in shape. The allotment has a frontage of 12.19m, a depth of 45m and a total land area of 557.4m². The site currently contains a single dwelling which are to be retained as part of the proposed development. A Complying Development Certificate (CDC) is to be submitted independent to this Development Application for the construction of a pool, deck and studio in the rear.

No trees are required to be removed in order to site the proposed development. Additional landscaping will also occur following construction to further enhance the landscape character of the area and ensure that the landscape character of the area is maintained

The site has a moderate fall to the rear and all necessary services are available to the site. Drainage from the development is to be directed to an approved system in accordance with the Concept Drainage Plan attached to this application.

The site is within an established residential area that predominately consists of one and two storey dwellings. It is noted that recent developments within the area have been constructed of a contemporary design, establishing a changing dwelling character for the area. The subject site does not contain a heritage item and is not located within proximity of such items.

The following sections of this statement address the likely impact of the proposal.



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 – Standards for non-residential development

The proposed development is for alterations and additions to the existing dwelling with a development capital value investment value less than \$10 million, therefore a BASIX certificate is not required to be provided.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-rural areas

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development will retain all trees on site and additional planting post development can occur.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

The subject site is located within the coastal zone and requires consideration under this policy. The site is specifically identified as forming part of the Coastal Environment Area and is within close proximity to the Coastal Use area. The clauses of relevance are addressed as follows:



Clause 2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

The proposed development provides sufficient buffer to the coastal foreshore to ensure there will be no detrimental impact on the environmental characteristics of the waterfront lands, vegetation, headland or the cultural significance of the area surrounding area. There will be no loss of public open space or access thereto.



Clause 2.11 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that—*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

The development has been designed and sited giving a high degree of consideration to the coastal environment, site constraints, character of the area and surrounding natural attributes. The site is setback from the foreshore area ensuring no direct impacts in relation to overshadowing, restricted access or excessive visual bulk.

Existing external materials are a mix of cladding and glass incorporated into a contemporary design. The external appearance and overall bulk of the development is considered to be in keeping with many recent developments within the area. The design does not result in any loss of view to adjoining or nearby developments, provides a high-quality amenity for future occupants and will take advantage of the outlook toward the foreshore.



There will be no loss of public view nor any impact on the use of the foreshore area. The development is suitably designed to achieve the objectives of the SEPP.

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 Development adjacent to rail corridors

(1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*



(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is located adjacent to Adams Street which is a classified road. The proposed development is considered to enhance the safety of the road, providing off-road parking and the proposed development at the rear is not consider to compromise the road.



Warringah Local Environmental Plan 2011

The LEP is divided into several Part and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted and prohibited development

Clause 2.2. Zoning of land to which this plan applies

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.1 of *Warringah Local Environmental Plan 2011*.

The proposed development is ancillary development to the existing dwelling on the allotment. A "dwelling house" is defined as *"a building containing only one dwelling"*.

The identified zone permits the construction of a 'dwelling house' therefore ancillary development is permitted subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the R2 Zone are 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.*

The proposed development can satisfy the objectives of the zone as it complements the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.



The siting of the dwelling house is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed dwelling is considered to meet the objectives of the R2 Zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m ridge height.	No change to existing dwelling	Yes

Clause 4.4 Floor space ratio

The proposed development is not subject to maximum floor space ratio controls.

Clause 4.6 Exceptions to Development Standards

The proposed development does not contravene the development standards of the LEP.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to Local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within close proximity to heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified as bushfire prone land on Council's maps.

Clause 5.21 Flood planning

The subject site is not known to be located within a flood planning area.



Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed dwelling requires minor excavation within the footprint area only to provide footings / foundations for the proposed development. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 6.2 Earthworks

Ground disturbance is required to provide a level platform to site the proposed dwelling. The extent of earthworks is not considered excessive for the site due to the topography of the allotment and design proposed to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 6.4 Development on sloping land

The subject site is identified as Area A on the Landslip Risk Map.

* * *

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the objectives of all the relevant development standards relating to dwelling houses as contained within WLEP 2011.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.



(a)(iii) Relevant development control plans

Warringah Development Control Plan 2011

Part B Built Form Controls

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>B1 – Wall heights</u> Max. wall height 7.2m existing ground to upper ceiling.	No change to existing dwelling	Yes
<u>B2 - Number of Storeys</u> Max. no. storeys shown on DCP No. Storeys map.	No change to existing dwelling	Yes
<u>B3 - Side Boundary Envelope</u> Side boundary envelope 45° & 5m from existing ground as per the DCP Map Encroachment of the fascia, gutters, eaves permitted.	No change to existing dwelling	Yes
<u>B4 - Site Coverage</u> Site coverage as per Site Coverage Map	N/A – site not mapped.	N/A
<u>B5 – Side Boundary Setbacks</u> As per DCP Side Boundary Setbacks map: - 0.9m. Land Zoned R2: All development – Ancillary to a dwelling house – consent may be granted to allow a single storey outbuilding, carport, pergola or the like that to a minor extent does not comply with this side setback.	Proposed parking bay min. 0m side setback - considered to be acceptable through retention of existing landscape.	No change to existing dwelling setback
<u>B6 - Merit Assessment of Side Boundary Setbacks</u> For sites shown on map.	N/A	N/A
<u>B7 – Front Boundary Setbacks</u> As per DCP Front Boundary Setbacks map: - 6.5m. Corner allotments in R2 and R3 Zones:	No change to existing.	Yes



Where the min. front setback is 6.5m on both frontages the secondary street setback can be reduced to 3.5m	N/A	N/A
<u>B8 - Merit Assessment of Front Boundary Setback</u> For sites shown on map.	N/A	N/A
<u>B9 - Rear Boundary Setbacks</u> As per DCP Rear Boundary Setbacks map: - 6m.	No change to existing	No – see below
<u>B10 - Merit Assessment of Rear Boundary Setback</u> For sites shown on map.	N/A	N/A
<u>B11 - Foreshore Building Setback</u> As per the map – 15m	N/A	N/A
<u>B12 - National Parks Setback</u> As per the map - 20m	N/A	N/A
<u>B13 - Coastal Cliffs Setback</u> As per map.	N/A	N/A
<u>B14 - Main Roads Setback</u> As per map.	N/A	N/A

Part C Siting factors

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>C1 Subdivision</u>	N/A – no subdivision proposed	N/A
<u>C2 – Traffic, Access and Safety</u> Suitable vehicular access from a public road.	Proposed driveway and vehicular access considered suitable for the subject site and public road.	Yes
<u>C3 – Parking Facilities</u> Garage/carport integrated into house design.	N/A – no garage/carport proposed.	Yes
Laneways to provide rear access where possible.	N/A	N/A



Where garages and carports face the street, too be < 6 metres or 50% of the building width, whichever is the lesser.	Proposed parking bay width 6m	Yes
<u>C4 – Stormwater</u> Suitable stormwater system for each site.	Stormwater to be directed to an approved drainage collection system in accordance with the stormwater drainage plans attached to this application.	Yes
<u>C7 – Excavation and Landfill</u> Cut and fill not to impact neighbours.	Proposed cut and fill not anticipated to impact neighbouring properties due to use of retaining walls and setbacks from existing adjacent dwellings.	Yes
Clean fill only.	No imported fill proposed.	Yes
<u>C9 Waste Management</u> Waste Management Plan to be provided.	Provided.	Yes
Bin storage area to be allocated.	Main adequate area available on site out of public view.	Yes

Part D Design

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>D1 – Landscape Open Space and Bushland Setting</u> Landscaped open space as per map soft landscape with min 2m width. Subject site = 40%	40% with min. 2m width	Yes
<u>D2 – Private Open Space</u> POS area = 1-2 bedrooms – 35m ² min 3m width. 3+ bedrooms – 60m ² min 5m width.	60sqm with min 5m width provided in rear yard.	Yes



Direct access from living area.	Provided	Yes
POS located behind building line.	POS area provided in rear yard.	Yes
Maximise solar access & privacy.	Suitable solar access and privacy provided due to setbacks, landscaping, orientation of site and sun movement throughout the day.	Yes
<u>D3 Noise</u>	All works will be carried out during hours specified within the development consent.	Yes
<u>D6 – Access to Sunlight</u> Consider solar access & ventilation in siting of dwelling.	Proposed dwelling appropriately sited on the subject site to allow for generous side and rear setbacks whilst also orientating living areas and POS toward north for ideal solar access. Open planned living areas to allow for maximal natural ventilation.	Yes
3hrs sunlight to 50%POS and glazed areas to living rooms between 9am & 3pm.	Proposed and adjoining POS and living areas to receive appropriate level of solar access due to orientation of site, appropriate building height and generous boundary setbacks.	Yes
<u>D7 – Views</u> View sharing to be considered.	No loss of views is anticipated.	Yes
<u>D8 – Privacy</u> Maintain privacy to adjoining properties.	No loss of privacy anticipated by the proposed development due to being single storey and appropriate landscape screening.	Yes
<u>D9 – Building Bulk</u> Avoid large areas of continuous wall planes.	No change to existing dwelling	N/A



<u>D10 – Building Colours and Materials</u> Colours finishes to blend with natural setting.	No change to existing dwelling building colours and materials.	N/A
<u>D11 – Roofs</u> Pitch to complement streetscape. Varied roof forms to be provided.	N/A – no change to existing dwellings roof	N/A
<u>D12 – Glare and Reflection</u> Materials to minimise glare.	Non-reflective materials proposed.	Yes
<u>D13 – Front fences and Front walls</u> Front fences 1.2m. Solid fences to be articulated and setback for landscaping. Provide casual surveillance (unless excessive noise requires blocking). Gates to remain in boundary when open.	Proposed 1.8m high front fence and sliding gate. Capable of complying via sliding gate.	No -see below Yes
<u>D14 – Site facilities</u> Site Facilities – bin storage, clothes drying etc to be provided	Rear yard provides adequate area for site facilities.	Yes
<u>D15 – Side and Rear Fences</u> Side & Rear boundary fencing max. 1.8m measure from low side (can be averaged for sloping sites to allow regular steps).	Proposed replacement fences max.1.8m height	Yes
<u>D16 - Swimming Pools & Spas</u> Not to be located in front setback. Where are 2 frontages, swimming pools and spas are not to be located in primary frontage. To be setback from any trees.	N/A – swimming pool to be determined under CDC application	N/A
<u>D20 Safety and Security</u> Casual surveillance of street & suitable lighting.	No change to street front casual surveillance of the street continues to be available through habitable rooms to the frontage of the dwelling.	Yes



	No entrapment areas created.	
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Variation request

Front fence height – Council's DCP requires front fences to not exceed 1.2m in height, the proposed development includes front fences with a height of 1.8m therefore requires a variation to this control.

The objective of this clause is understood to be compatible with the existing streetscape and avoid a 'walled in' streetscape. The proposed fence height would match the adjacent property (no.19) and is therefore consider to be more in keeping with the street scene to vary this control. Moreover, the proposed non-compliance is a result of topography changes across the frontage, with a fall to the western side of the allotment and therefore will not appear as a 'walled in' streetscape, and have a consistent height of 1.8m.

In this instance the reduced landscaped area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.

Part E The Natural Environment

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>E1 Preservation of Trees or Bushland vegetation</u>	No trees proposed to be removed.	Yes
<u>E3 – Threatened species, population, ecological communities</u> Applies to land identified on the DCP Map - Threatened and high conservation habitat.	N/A - The subject site is not identified on the DCP map.	N/A
<u>E4 – Wildlife corridors</u> Applies to land identified on the DCP Wildlife Corridors Map.	The subject site is not identified as being in or within close proximity to any wildlife corridors	N/A
<u>E5 Native Vegetation</u> Applies to land identified on DCP Map Native Vegetation	Subject site is not identified as an area of native vegetation	N/A
<u>E6 Retaining unique environmental features</u>	No unique environmental features identified on or near the subject site.	N/A



<u>E7 – Development on land adj. public open space</u> applies to all land shown on DCP Map Land Adjoining Public Open Space. Objectives	N/A – Not identified in or within close proximity to land adjoining public open space	N/A
<u>E8 - Waterways and Riparian Land</u> Applies to land identified as waterway or riparian land as shown on DCP Map Waterways and Riparian Lands.	N/A – subject site not identified on the Waterways and Riparian Lands DCP Map.	N/A
<u>E9 - Coastline Hazard</u> Applies to land identified on the Warringah LEP Coastline Hazard Map.	N/A- subject site not identified on coastline hazard map.	N/A
<u>E10 - Landslip Risk</u> Applies to land identified on the Warringah Local Environmental Plan 2011 - Landslip Risk Map as Area A, Area B, Area C, Area D or Area E. Geotech required where indicated in DCP.	Landslip Risk identified as Area A. Geotech Report to be provided if deemed necessary by Council.	Yes
<u>E11 – Flood Prone Land</u> Flood Risk map indicates level. Requirements outlined in DCP in accordance with matrix.	The west side of the allotment has been identified to be at low risk of flooding. The DCP does not identify areas of low flood risk proposing residential uses to require the development to comply with additional clauses.	Yes

* * *

Conclusion with respect to DCP Requirements

The proposal is considered to generally satisfy the objectives of the relevant development controls relating to dwellings, as contained within Warringah DCP 2011.



(iii a) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are considered relevant when considering onsite impacts.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area that is within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed parking bay and fencing, the subject of the application, can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding residential setting.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.



(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Warringah Local Environmental Plan 2011 and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the proposed ancillary development will complement and blend with the existing and likely future character of Curl Curl. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed ancillary development appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

Town Planner

Urban Planning & Building Consultants

29 February 2024