

Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Attached Dual Occupancy
Development**

at

No 79 Ashworth Avenue, Belrose

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Planning)**
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1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application, which is being submitted to Northern Beaches Council. The applicant seeks development consent to undertake the following development on land known as No 79 Ashworth Avenue, Belrose:

- Demolish the existing dwelling; and
- Construct a two storey attached dual occupancy comprising of five (5) bedrooms in each dwelling with each serviced by a single attached garage.

The proposal has been prepared in accordance with the provisions of State Environmental Planning Policy (Housing) 2021, Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

A description of the site and the locality and a description of the proposed development.

A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of State Environmental Planning Policy (Housing) 2021, the Low Rise Housing Diversity Design Guideline 2020, the Environmental Planning and Assessment Act 1979 and conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *RJK Architects*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site comprises of a large slightly irregular shaped allotment situated on the southern side of Ashworth Avenue. The property is known as No 79 Ashworth Avenue, Belrose and is legally identified as being Lot 4 in DP 236885.



Locality Plan

The subject site has a fall from the front of the site towards the rear of the allotment of approximately 4m. It is noted that most of the allotment is level, particularly within the typical building zone, with the fall occurring towards the rear of the site. The subject site is a large allotment with an oversized street front boundary dimension of 17.07m, a western side boundary dimension of 59.74m, an eastern side boundary dimension of 53.38m and a rear southern boundary dimension of 23.85m. The subject site has a total area of

approximately **1,094m²**. A signed survey plan is included with the development plans.

The existing dwelling is single storey brick and tile residence with an attached garage. The existing dwelling is well presented although older in style and appears particularly small when compared with the surrounding large dwellings in the locality.



View of the existing dwelling

The building is not listed under the Warringah Local Environmental Plan 2011 as having any heritage significance nor is it in the immediate vicinity of any items of heritage significance.

The proposed development is capable of draining stormwater via gravity flow via an existing drainage easement situated at the rear of the property. Detailed stormwater concept plans accompany the development plans.

The subject site is not situated in a recognised view corridor. No trees require removal to facilitate the proposed development. Ample green space will be provided at the rear and front of each dwelling to assist with natural absorption of stormwater.

2.2 Site Context

The subject site is situated within an established low density residential precinct characterised by a mix of large two and three level dwellings. The buildings in the precinct are generally well presented with a mix of renovated and new large dwellings.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the west is an older style two storey attached dual occupancy development known as No 81 and 81A Ashworth Avenue. This adjoining dual occupancy development is well setback from the subject site. The proposed upper level on the subject site is contained within the footprint of the proposed lower level of the building and the outlook is directed towards the front and rear of the block rather than to the side. It is noted that the proposed upper level in the proposed development includes minimal windows along the western elevation. Reasonable levels of privacy will be maintained. Privacy considerations are well resolved as there are no competing habitable room windows directly opposite.

Overshadowing will be limited to a short period in the morning period during the winter solstice. Some shadows will be projected towards the dwelling on the adjoining battleaxe lot known as No 83 Ashworth Avenue. The extent of overshadowing is typical given the context of the zone and two storey dwelling constructed in the locality.



View of the adjoining western attached dual occupancy development

- Adjoining the subject site to the east is a large two storey dwelling known as No 77 Ashworth Avenue. This adjoining dwelling is significantly setback from the subject site with an existing driveway located adjacent to the common boundary providing substantive separation. In addition, the dwelling is screened by existing vegetation located along the common boundary between the two properties. The proposal includes upper-level windows to the bedroom areas only to minimise overlooking opportunities. In addition, side privacy screens are proposed to either side of the front and rear balconies to direct viewing opportunities to the street front and rear garden respectively ensuring adequate levels of privacy will be maintained. The existing setbacks coupled with the design initiatives will ensure that reasonable levels of privacy between dwellings will be reasonably maintained.



View of the adjoining eastern dwelling No 77 Ashworth Ave, Belrose

Shadows cast by the proposed development will be of a sweeping nature towards the rear of the subject site and property and across the driveway and rear yard of the eastern adjoining property. Considering the site context and the separation between dwellings, the extent of overshadowing is reasonable.

It is noted that most dwellings in the precinct, particularly on the opposite side of the road are large contemporary two and three storey premises. The proposed attached dual occupancy is consistent in scale and presents a generous landscaped front setback to Ashworth Avenue.

Some district views will be presented to the south. No view loss will arise because of this development.

The precinct is well serviced by public transport and recreational facilities. The additional density on-site is therefore consistent with urban renewal initiatives.

3.0 PROPOSED DEVELOPMENT

The applicant seeks development consent to undertake the following at No 79 Ashworth Avenue, Belrose:

- Demolish the existing dwelling; and
- Construct a two storey attached dual occupancy comprising of five (5) bedrooms in each dwelling with each serviced by a single attached garage.

3.1 Demolition

The existing dwelling on the subject land is not identified as having heritage significance.

It is anticipated that conditions of consent will address the safe removal of sediment control, working hours, dust suppression and the like to mitigate the potential for significant adverse amenity or environmental impacts during the demolition phase.

No adverse town planning issues arise from the demolition of the existing dwelling.

3.2 Proposed Dual Occupancy

The proposal relates to the construction of a site specifically designed attached two storey dual occupancy development on the subject land. The proposed design optimises site opportunities and promotes built form within a landscaped setting. The dwellings have been designed to be oriented towards the Ashworth Avenue frontage.



Artistic impression of the proposed development

There are no significant trees on the subject site requiring removal to facilitate the proposal.

The proposed dwellings comprise of the following: -

Ground Floor Both Dwellings

- Single attached garage with access off Ashworth Avenue;
- Front entry area and porch;
- Guest bedroom off the entry hall;
- Bathroom;
- Laundry;
- Powder room;
- An internal staircase accessing the upper level;
- Sitting/theatre room;
- Combined open plan living/dining room;
- Kitchen with an associated pantry and butlers kitchen; and
- A rear verandah.

Upper Level Unit 1 (Eastern Dwelling)

- Master bedroom with ensuite, walk-in wardrobe and a study area. A rear balcony is provided to service the master bedroom inclusive of a privacy screen;

- A second bedroom with ensuite;
- Two additional bedrooms with built in cupboards;
- A bathroom;
- A sitting area with access to a front balcony; and
- Internal staircase accessing the lower floor.

Upper Level Unit 2 (Western Dwelling)

- Master bedroom with ensuite and walk-in wardrobe and a study area. A rear balcony is provided to service the master bedroom;
- A second bedroom with ensuite and access to the front balcony;
- Two additional bedrooms with built in cupboards;
- A bathroom;
- A games room; and
- Internal staircase accessing the lower floor.

The proposed dual occupancy development is numerically summarised as follows:

Issue	Proposed
Site Area	1,094m ²
Total floor area	Unit 1 – 269.2m ² Unit 2 – 273.6m ² Total floor space: 542.8sqm
Floor space ratio	Unit 1 – 0.48:1 Unit 2 – 0.51:1 Total FSR: 0.496:1
Car parking	4 spaces – 2 single garages + 1 parking space in front of each garage in the driveway
Total landscaped area	Unit 1 – 232.1m ² Unit 2 – 191.5m ²
Landscape Area	41.4% (Unit 1) and 35.8% (Unit 2)

3.3 Design Approach

Both dwellings have been designed to capture maximum light and cross flow ventilation and take advantage of the northern orientation of the allotment.

The proposed height, massing and scale of the proposed development will sit comfortably within the existing and desired future urban context.

Each dwelling has a functional floor layout with living areas directly accessible to private recreation areas in the form of a raised rear deck extending to a large area of open space at the rear of each dwelling. A high landscape content is proposed at the rear and front of each dwelling.

The proposed development will have a similar streetscape presentation to that of the adjoining dwellings in Ashworth Avenue particularly the dual occupancy development to the west and some of the large contemporary dwellings situated opposite. The proposal is appropriate in the context of the existing and evolving low density residential character of the locality.

The proposed dual occupancy is suitably articulated to present well across the frontage.

The design solution ensures that privacy issues are well resolved through design. The outlook from the proposed dwellings is oriented towards the street front and to the rear.

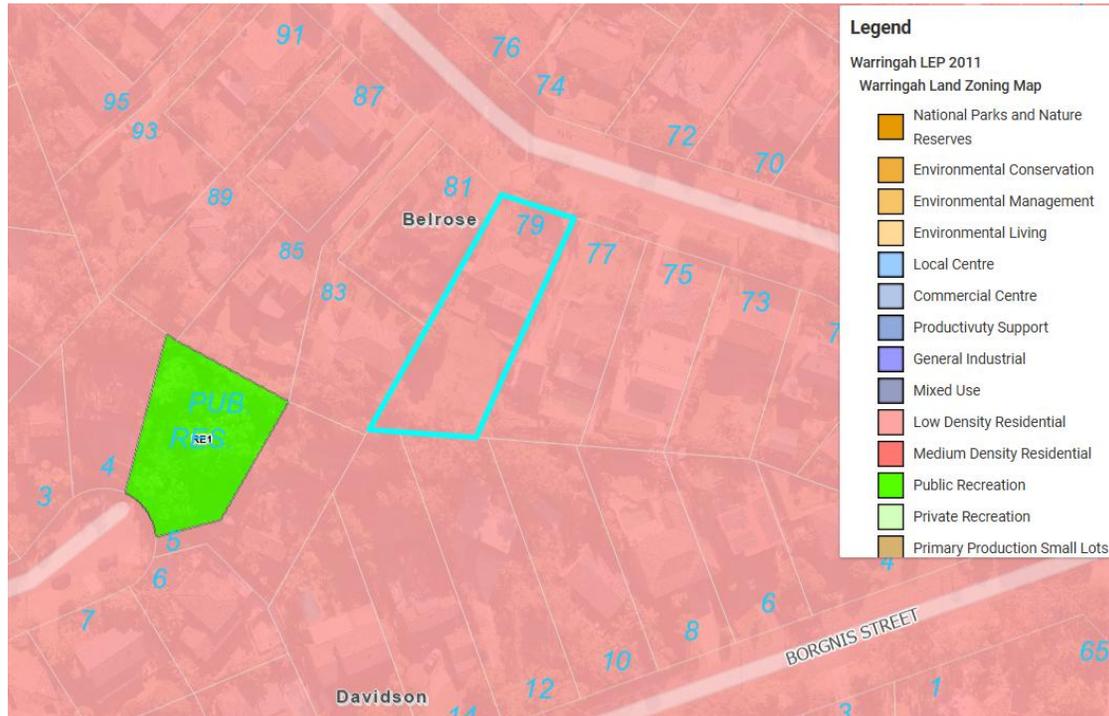
Shadows cast by the proposed addition will generally fall to the south in a sweeping motion within the site and partly over the rear yard of the adjoining eastern and western dwellings. The extent of overshadowing is acceptable given the site circumstances and the general scale of dwellings in the locality.

The existing separation between dwellings coupled with the design solutions will ensure that privacy and overshadowing issues are reasonably resolved.

4.0 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

4.1 Zone and Permissibility

The subject land is zoned **R2 Low Density Residential** pursuant to Warringah LEP 2011.



Land Zoning Extract – R2 Low Density Residential

Warringah LEP 2011 does not permit dual occupancy development. The proposed development is permissible pursuant to **Clause 166 of State Environmental Planning Policy (Housing) 2021** as follows: -

166 Development permitted with development consent

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

The proposed dual occupancy is permissible within the R2 Low Density Residential zone pursuant to the Housing SEPP 2021 subject to the granting of development consent.

4.2 Zone Objectives

The specified zone objectives for 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.*

Comment:

An assessment of the proposal against the zone objectives indicates that the zone objectives can be met.

The salient elements of this assessment follow:

- The proposed development provides for the construction of two contemporary dwellings. The proposed development has been site specifically designed and will positively contribute to the quality of housing stock in the precinct and properly utilises a large plot of land.
- The proposed development assists in establishing the desired future character for the locality and in addition, provides housing opportunities within a sought-after locality. The proposal may act as a catalyst stimulating further redevelopment on nearby sites, consistent with the zone objective of catering for the housing needs of the community.
- The proposed development is well contained on-site and will not result in a significant adverse amenity impact on adjoining properties.
- The proposed development provides an appropriate low-density infill development and contemporary construction. The proposal also provides for more affordable and alternate housing opportunities in the locality.
- The issues of external amenity and the relationship of the development to the adjoining properties have been addressed previously in this

statement of environmental effects. The proposal is appropriate in this regard.

- The urban design, streetscape and residential character issues relating to the development of the site have also previously been considered, the proposal is appropriate in respect of such considerations.
- There is no proposal to carry out other land use activities.

Having regard to the above, the proposal is consistent with the zone objectives and represents a form of development that by virtue of the objectives is encouraged in the locality.

4.3 Relevant Clauses of the LEP

Clause 4.3 of the LEP sets a maximum **height** for development in accordance with the Building Height Map. The building height map specifies a maximum height limit within the R2 zone of 8.5m.

Comment:

The proposed development accords with the maximum building height control by stepping the development to follow the contours of the land.

Clause 4.4 of the LEP relates to **Floor Space Ratio**.

Comment:

There is no floor space ratio control applicable to the site. This matter is addressed against the design controls of the Low Rise Housing Diversity Design Guide and compliance is achieved in terms of floor space.

Clause 4.6 relates to **Exceptions to development standards**.

Comment:

The applicant is not proposing to rely on Clause 4.6 of the LEP to vary any development standards in this instance.

Clause 6.1 of the LEP relates to **Acid Sulphate Soils**.

Comment:

The subject site is not subject to acid sulphate soil consideration. Accordingly acid sulphate soils do not constitute a constraint to the development of the subject site.

Clause 6.2 of the LEP relates to **Earthworks**.

Comment:

Minimal earthworks are required associated with footings and utility service connections to facilitate the proposal.

Clause 6.3 of the LEP relates to **Flood planning**.

The subject site is not flood affected.

Clause 6.4 of the LEP relates to Development on sloping land and states the following:

1. *The objectives of this clause are as follows:*
 - a. *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
 - b. *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
 - c. *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*
2. *This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*
3. *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - a. *the application for development has been assessed for the risk associated with landslides in relation to both property and life,*
and

- b. the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- c. the development will not impact on or affect the existing subsurface flow conditions.*

Comment:

The rear of the subject site is situated just within a Landslip Area B with slopes from 5 to 25 degrees. Accordingly, a geotechnical report accompanies the development plans. The existing dwelling has resisted movement over the years and the building platform is relatively level.



Landslip Area B

The proposed works will include limited excavation for footings and foundations only and the subject site enjoys a large relatively level building platform. Much of the fall is situated towards the rear of the allotment behind the rear building line. The proposed works will have no influence on existing water flows.

5.0 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

164 Land to which chapter applies

(1) This chapter applies to the whole of the State, other than the following—

- (a) bush fire prone land,*
- (b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2,*
- (c) land to which Chapter 5 applies,*
- (d) land that is a heritage item or on which a heritage item is located,*
- (e) the following local government areas—*
 - (i) Bathurst Regional,*
 - (ii) City of Blue Mountains,*
 - (iii) City of Hawkesbury,*
 - (iv) Wollondilly,*
- (f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6,*
- (g) land in a flood planning area in the following local government areas—*
 - (i) Armidale Regional,*
 - (ii) Ballina,*
 - (iii) Bellingen,*
 - (iv) Byron,*
 - (v) City of Cessnock,*
 - (vi) Clarence Valley,*
 - (vii) City of Coffs Harbour,*
 - (viii) Dungog,*
 - (ix) Goulburn Mulwaree,*
 - (x) Kempsey,*
 - (xi) Kyogle,*
 - (xii) City of Lismore,*
 - (xiii) City of Maitland,*
 - (xiv) Nambucca Valley,*
 - (xv) City of Newcastle,*
 - (xvi) Port Stephens,*
 - (xvii) Queanbeyan-Palerang Regional,*
 - (xviii) Richmond Valley,*

- (xix) City of Shoalhaven,*
- (xx) Singleton,*
- (xxi) Tweed,*
- (xxii) Upper Hunter Shire,*
- (xxiii) Walcha,*
- (h) land in an ANEF contour or ANEC contour of 20 or greater,*
- (i) land within 200m of a relevant pipeline within the meaning of State Environmental Planning Policy (Transport and Infrastructure) 2021, section 2.77,*
- (j) land identified as “Deferred Transport Oriented Development Areas” on the Deferred Transport Oriented Development Areas Map,*
- (k) land within 800m of a public entrance to a railway, metro or light rail station listed in Schedule 12.*
- (2) This chapter does not apply to land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map.*
- (3) In this section—*
ANEC contour has the same meaning as in State Environmental Planning Policy (Precincts—Western Parkland City) 2021, section 4.17.
ANEF contour has the same meaning as in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
flood planning area has the same meaning as in the Flood Risk Management Manual.

Comment:

The subject site is not bushfire prone land.

The subject site is not identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area.

The subject site is not subject to Chapter 5.

The subject site is not heritage listed.

The subject site is not part of the following local government areas:

- (i) Bathurst Regional,*
- (ii) City of Blue Mountains,*
- (iii) City of Hawkesbury,*

(iv) Wollondilly,

The subject site is not flood prone.

The land is not subject to ANEF contour or ANEC contour of 20 or greater.

Accordingly, consideration turns to Part 2.

Part 2 Dual occupancies and semi-detached dwellings

The issue of permissibility has been previously canvassed. Pursuant to the SEPP dual occupancy development is permissible with development consent in the R2 Low Density Residential zone.

The subject site is not part of the *low and mid rise housing area which means land within 800m walking distance of—*

- (a) land identified as “Town Centre” on the Town Centres Map, or*
- (b) a public entrance to a railway, metro or light rail station listed in Schedule 11, or*
- (c) for a light rail station listed in Schedule 11 with no public entrance—a platform of the light rail station.*

Division 1 Preliminary

Landscaping—dual occupancies

(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential.*

(2) Before granting development consent to development to which this section applies, the consent authority must consider the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025.

Comment:

Not applicable. Notwithstanding the proposed development has no impact on the tree canopy. There are no significant trees requiring removal to facilitate the proposed development. The proposal is acceptable in this regard.

Accordingly, the non-discretionary standards do not apply to the proposal.

For the purpose of the exercise however, consideration is given to Division 2 Non-discretionary development standards—the Act, s 4.15.

Non-discretionary development standards—dual occupancies

(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential.*

(2) The following non-discretionary development standards apply—

- (a) a minimum lot size of 450m²,*

Comment:

The subject site has a total site area of 1,094m².

- (b) a minimum lot width at the front building line of 12m,*

Comment:

The subject site has a width of 17.07m at the front boundary.

- (c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 1 car parking space per dwelling,*

Comment:

The Warringah LEP and DCP 2011 do not specify a minimum or maximum number of car parking spaces for dual occupancy development. Each unit is provided with a single garage with the ability to park a second vehicle in tandem behind the front building line in accordance with the non-discretionary parking standard.

(d) a maximum floor space ratio of 0.65:1,

Comment:

The proposed development has a maximum floor space ratio of 0.496:1.

(e) a maximum building height of 9.5m.

Comment:

The proposed development sits well under the maximum 9.5m height limit.

Non-discretionary development standards—subdivision for dual occupancies

(1) This section applies to development involving subdivision for the purposes of dual occupancies on land in a low and mid rise housing area in the following zones—

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential.*

(2) This section applies only if—

- (a) development consent was granted for the dual occupancy on or after 28 February 2025, or*
- (b) the development results from a development application made on or after 28 February 2025 for the subdivision of the land and the erection of a dual occupancy on the land.*

Comment:

Subdivision is not sought with the application.

6.0 LOW RISE HOUSING DIVERSITY DESIGN GUIDE

The Low Rise Housing Diversity Design Guide for Development Applications (Design Guide for DAs) provides consistent planning and design standards for low rise diverse residential dwellings across NSW.

The Design Guide for DAs will provide councils with best practice controls and design standards for various forms of low rise diverse housing, including dual occupancies, manor houses, terraces, townhouses and villas.

The Design Guide for DAs is a tool for councils to use to assess diverse low rise housing developments. Councils can choose to either adopt the Design Guide for DAs fully or in part into their DCP.

The applicant has relied on the provisions of the Design Guide when preparing the proposed design as being the relevant primary set of controls for dual occupancy development.

Dual Occupancy - Two Dwellings Side by Side (attached)

Side by side attached dual occupancies consist of two dwellings on one lot. They are characterised by two dwellings sharing a common wall in a semi-detached configuration. Both dwellings are arranged to face the primary street frontage. Dwellings can be single or double storey. Side by side attached dual occupancies tend to have limited impact on the streetscape and surrounds as the scale of the development is consistent with that of a large dwelling house. This typology of housing maintains a suburban pattern of a front setback and large rear yard which is popular in suburban settings where the lot sizes are wider and deeper. Dwellings tend to be symmetrical in both layout and architectural form, however, occasionally architectural expression can vary between dwellings to add individuality. Basement parking can be provided but is rare except on steep terrain.

Comment:

The subject site is of an appropriate size and width to accommodate the proposed attached dual occupancy development. A well-articulated development has been generated for the site.

Context and subdivision

- *The building type is best suited to lots with a minimum width of at least 15 metres.*

Comment:

The subject site is well suited to the proposed development having a minimum width of 17.07m.

- *This building type is most commonly carried out as Torrens title subdivision due to the small scale nature of this development. However, it can be carried out as strata title subdivision when individual lots do not meet the minimum lot size requirement under the relevant LEP.*

Comment:

Subdivision of the dual occupancy development is not proposed with this application.

- *This form of low rise diverse housing is ideal for infill development.*

Comment:

The proposed development is highly suitable for the large lot and provides for an appropriate form of infill development. The proposed dwellings are of a size and scale which is consistent with surrounding development and provides for high amenity residential housing.

- *The minimum lot width is highly dependent on vehicle access. Where garages can be located on a rear lane, lot widths can be minimum of 12 metres.*

Comment:

The subject site has a lot width well in excess of 12m having a width at the frontage of 17.07m.

- *Where garages can only be located at the front of a lot, the ideal lot width is a minimum of 15 metres. For double car garages, the minimum lot width increases to 25 metres.*

Comment:

As previously noted, the subject site has a minimum site width across the frontage of 17.07m. The proposed single garages are located at the front of the dwellings and accordingly the site width is appropriate as envisaged by the design guidelines.

Setbacks

Where the DCP does not contain front setback controls the following apply:

- *Where existing dwelling houses or dual occupancies are within 40m of the development - average of the two closest dwelling houses or dual occupancies.*

Comment:

Council's DCP in relation to front setbacks requires designs to *create a sense of openness and maintain the visual continuity and pattern of buildings and landscape elements.*

The proposed front setback is consistent with the controls and the existing building alignment at the bend in the street.

Side setbacks or envelope controls

10. Where the DCP does not contain side setback controls the following apply:

Lot width at the building line (m)	Building height at any height	Minimum required setback from each side boundary
0 - 24	0m - 4.5m	0.9m
	> 4.5m - 8.5m	= (building height - 4.5m) ÷ 4 + 0.9m

Comment:

The proposed development has been designed to comply with the building envelope controls creating a varied setback for the ground floor and upper level.

Floor space

Where the LEP or DCP do not contain an FSR or Gross floor area the following maximum gross floor area applies for all development on the site:
Lot Area (m²) Maximum GFA = 0 – 2000, 25% of lot area + 300m².

Comment:

The calculation above allows for a maximum floor space on-site of 573.5sqm. The proposed development readily accords with the FSR standard having a maximum floor space of 542.8sqm or an FSR of 0.496:1.

Landscaping

15. Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is: 50% of the parent lot area minus 100m².

16. The minimum dimension of any area included in the landscaped area calculation is 1.5m.

17. At least 25% of the area forward of the building line is to be landscaped area. At least 50% of the required landscaped area must be behind the building line.

Comment:

The minimum landscape area requirement equates to the following: -

Unit 1 – 180m²

Unit 2 – 167m²

The proposed dual occupancy accords with the landscape requirements as follows: -

Unit 1 – 232.1m²

Unit 2 – 191.5m²

The proposed landscaping is predominantly towards the rear of the allotments being more than 50% of land area and more than 25% of the land area to the front of the proposed development will be landscaped.

Public Domain Interface

The front door of each dwelling is to be directly visible from the public street.

Comment:

Achieved.

Windows from habitable rooms are to overlook the public domain.

Comment:

Achieved.

Private courtyards within the front setback are located within the articulation zones and / or behind the required front building line.

Comment:

The private open space has been retained at the rear of the site.

Front fences

- *Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal).*
- *Average height no greater than 1.2m.*
- *Have a consistent character with other front fences in the street.*
- *Are not to be constructed of solid metal panels or unfinished timber palings.*

Comment:

The current proposal does not seek to construct a front fence.

Retaining walls greater than 600mm within the front setback are softened by planting for a minimum depth of 600mm on the low side of the retaining wall.

Comment:

There is no retaining walls proposed on the site with a height greater than 600mm.

Orientation, Siting and Subdivision

Where the LEP or DCP does not contain a minimum lot area, the minimum lot area is 400m²

Comment:

The subject site has a site area of 1,094sqm in compliance with the control.

Where the LEP or DCP does not contain a minimum lot width, the minimum lot width is:

- *12m measured at the building line where parking is provided from a secondary road, parallel road or lane, or*
- *15m measured at the building line where parking is accessible from a primary road.*

Comment:

The subject site has a lot width 17.07m and greater in compliance with the control.

Solar access

A living room or principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21). Note: Direct sunlight is achieved when 1m² of direct sunlight on the glass is received for at least 15 minutes. To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.

Comment:

The proposed development accords with the minimum solar access requirements. Shadow diagrams accompany the development plan set. Shadows cast will be in a sweeping motion towards the rear of the site and partly over the adjoining eastern and western properties. The shadows cast are not more than that of a typical two storey dwelling with complying side setbacks.

Private open space

The area of principal private open space provided for each dwelling is at least 16m² with a minimum length and width of 3m.

The principal private open space is located behind the front building line.

The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.

25% of the private open space is to be covered to provide shade and protection from rain.

Comment:

The proposed development accords with the minimum private open space requirements. Each dwelling will have a supplementary private recreation

space in the form of a front and rear upper-level balcony. A rear deck stepping down to the outdoor recreation space is also proposed across the rear ground floor.

Storage

In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided:

- *1 bed 6m³*
- *2 bed 8m³*
- *3+ bed 10m³*

At least 50% of the required storage is located inside the dwelling.

Storage not located in dwellings is secure and clearly allocated to specific dwellings, if in a common area.

Comment:

Significant storage is contained within each of the dwellings. Each bedroom is provided with either a built-in cupboard or walk in robe area. The kitchens have large pantry areas and storage is also contained under the proposed stairs and throughout the dwellings and each garage will have supplementary raised storage opportunities.

Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and provides a cohesive design response.

Comment:

A design verification statement from the architect accompanies the development plans. Additional information in relation to the bulk and scale and other design initiatives is included within this statement of environmental effects.

Energy Efficiency

An outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line is provided for each dwelling.

Comment:

Ample space exists in each courtyard for external clothes drying line.

Water Management and Conservation

A stormwater system must:

- *Comply with requirements in the DCP that applies to the land.*
- *Be approved (if required) under s.68 of the Local Government Act 1993.*

Detention tanks are to be located under paved areas, driveways or in basements.

Comment:

A stormwater design has been prepared for the development taking advantage of a stormwater easement situated at the rear of the subject site.

7.0 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

Warringah Development Control Plan (DCP) 2011 was adopted by Council on 12th May 2010 and came into effect on 9th November 2010.

The DCP applies to all land within the Warringah Local Government Area (LGA) and provides complimentary controls and considerations to the Warringah Local Environmental Plan (LEP) 2011.

The DCP is to be read in conjunction with LEP 2011.

Given the application of the Low Rise Housing Diversity Design Guide 2020 to the consideration, a commentary is provided in relation to DCP provisions where there is no inconsistency.

The DCP contains 4 relevant parts relating to built form controls, siting factors, design and the natural environment.

5.1 Context and Site Analysis

A site analysis plan accompanies the architectural plans. A written analysis of the site and context supplements the site analysis plan under section 2 of this statement of environmental effects.

Part B - Built Form Control Objectives

B1 Wall Height

Objectives

- *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.*

Requirements

1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).

Exceptions

This control may be varied for land shown on DCP Wall Height Map on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:

- does not exceed the 8.5 metre height development standard;*
- is designed and located to minimise bulk and scale; and*
- has a minimal visual impact when viewed from the downslope sides of the land.*

Comment:

The proposal accords with the wall height control and the overall building height of 8.5m is also achieved.

Given the scale of other dwellings in the vicinity, a consistency in built form is achieved.

There is not significant loss of privacy or overshadowing arising because of the proposed design.

The proposal is reasonable given the circumstances of the site and design initiatives.

B2 Number of Storeys

Objectives

- To ensure development does not visually dominate its surrounds.*
- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- To provide equitable sharing of views to and from public and private properties.*
- To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.*
- To provide sufficient scope for innovative roof pitch and variation in roof design.*

- *To complement the height of buildings control in the LEP with a number of storeys control.*

Comment:

The Number of Storeys DCP map does not indicate a maximum number of storeys applying to the subject site.

B3 Side Boundary Envelope

Objectives

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

Requirements

1. *Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:*

- *4 metres, or*
 - *5 metres*
- as identified on the map.*

Comment:

The proposed development has been designed to accord with the Low Rise Design control. A reasonable design has been generated in balance to reduce the extent of overshadowing, bulk and scale. Privacy considerations are well resolved.

B4 Site Coverage

Objectives

- *To provide opportunities for the provision of landscaping and the enhancement of existing native vegetation.*
- *To minimise the bulk and scale of development.*

- *To reduce the stormwater runoff, preventing soil erosion and siltation of the natural drainage network.*
- *To limit impervious areas and encourage natural drainage into the sub-surface.*

Comment:

The proposed development is domestic in nature. Ample green space and private open space is allowed for with the proposed development. The proposed development will be a feature of the streetscape.

The subject site is capable of draining to an existing stormwater easement traversing the property.

B5 Side Boundary Setbacks

Objectives

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

Comment:

The minimum side setback is 900mm and increasing for the upper level as determined by the building envelope control. The proposed development accords with the minimum side setback control.

B7 Front Boundary Setbacks

Objectives

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

Comment:

No encroachment into the front setback is proposed. The proposed dwellings are significantly setback being a minimum of 11.3m to Unit 1 consistent with adjoining dwellings relative to the bend in the street.

B9 Rear Boundary Setbacks

Objectives

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Comment:

The proposal accords with the rear setback control.

Part C - Siting Factors

C1 Subdivision

Comment: Not applicable.

C2 Traffic Access and Safety

Objectives

To minimise:

- *traffic hazards;*
- *vehicles queuing on public roads*
- *the number of vehicle crossings in a street;*
- *traffic, pedestrian and cyclist conflict;*
- *interference with public transport facilities; and*
- *the loss of “on street” kerbside parking.*

Comment:

The subject dwellings will each be provided with a single garage and can accommodate 2 on-site car spaces situated at the front of the dwelling parked in tandem. The proposal does not result in any loss of on street parking.

C3 Parking Facilities

Objectives

- *To provide adequate off street car parking.*
- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*
- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

There is opportunity to park two cars on-site within a proposed single garage for each dwelling provided and the ability to park a second vehicle in tandem.

C4 Stormwater

Objectives

- *To ensure the appropriate management of stormwater.*
- *To ensure the appropriate management of stormwater.*
- *To minimise the quantity of stormwater run-off.*
- *To incorporate Water Sensitive Urban Design techniques and On-Site Stormwater Detention (OSD) Technical Specification into all new developments.*
- *To ensure the peak discharge rate of stormwater flow from new development is no greater than the Permitted Site Discharge (PSD).*

Comment:

Detailed stormwater concept plans accompany the development plans. The proposed development can drain to the existing stormwater easement traversing the rear yard.

C5 Erosion and Sediment Control

Objectives

- *To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.*
- *To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*
- *To prevent any reduction in water quality downstream of the development site.*

Comment:

Appropriate measures will be undertaken during construction so as to minimise disruption to surrounding residents and the natural environment. The applicant will abide by appropriate conditions of consent in this regard.

C6 Building Over or Adjacent to Constructed Council's Drainage Easements

Objectives

- *To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property.*

Comment: Not applicable.

C7 Excavation and Landfill

Objectives

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

Comment:

Minimal excavation is required associated with footings and utility service connections. No issues arise in this regard.

C8 Demolition and Construction

Objectives

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan*
- *To discourage illegal dumping.*

Comment: Noted.

C9 Waste Management

Objectives

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*

- *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- *To discourage illegal dumping.*

Comment:

Appropriate waste management procedures will be implemented during the construction phase. A waste management plan accompanies the development plans.

Part D – Design

D1 Landscape Open Space and Bushland Setting

Objectives

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment:

Each of the proposed dwellings will be provided with significant areas of landscape content on-site.

There will be no adverse effect on native vegetation. There are no trees requiring removal to facilitate the proposed development. It is noted that there is a requirement to provide 40% landscape content on site. A total landscape provision more than 40% is provided on site.

Ample open space and private recreation space will be provided on-site to the benefit of the residents.

D2 Private Open Space

Objectives

- *To ensure that all residential development is provided with functional, well located areas of private open space.*
- *To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.*
- *To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.*
- *To ensure that private open space receives sufficient solar access and privacy.*

Comment:

Each of the dwellings will be provided with large areas of private open space. The private open space is directly accessible from the dwellings and incorporates a rear ground level deck and upper level balconies to the front and rear of the upper level of the dwellings as a supplement.

D3 Noise

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that noise emission does not unreasonably diminish the amenity of the area or result in noise intrusion which would be unreasonable for occupants, users or visitors.*

Comment:

The proposed development maintains compliant setbacks. No adverse noise is anticipated from a typically domestic use.

D4 Electromagnetic Radiation

Objectives

- *To ensure the safety of the community from electromagnetic radiation.*

- *To ensure that mobile phone base station and associated infrastructure and equipment does not result in an adverse visual impact on the natural or built environment.*

Comment: Not applicable.

D6 Access to Sunlight

Objectives

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To promote passive solar design and the use of solar energy.*

Note: Overshadowing by vegetation will not form part of Council's assessment of access to sunlight.

The planning principle established in the Benevolent Society v Waverly Council (2010) NSWLEC 1082 will be used in the assessment of sunlight.

Exceptions

Council may consider a variation to this control in the particular circumstances of a proposal, where an applicant can demonstrate, to the satisfaction of Council that:

- i) the slope or topography of the site or adjoining property makes compliance impractical; and*
- ii) other design options have been investigated which would comply but would unreasonably constrain the development of an otherwise compliant building.*

Comment:

Shadow diagrams are provided in the plan set.

Shadows cast by the proposed upper level will effectively fall towards the rear (south) and are mainly contained within the body of the subject site. Some shadows are likely to be projected across the open space areas of the adjoining eastern and western properties during the winter solstice. The shadow impacts are reasonable in the context of the site, its orientation and the scale of the development proposed.

Accordingly, no issues arise in respect of overshadowing in the context of site circumstances, site orientation and design initiatives.

D7 Views

Objectives

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

Requirements

1. *Development shall provide for the reasonable sharing of views.*

Note: *Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting v Warringah Council (2004) NSWLEC 140.*

Comment:

The subject dwelling is situated on the low side of the street. The subject site is not located within a recognised view corridor. Some distant district views may be available from the upper level of the dwellings. The proposal will not impact on any views from adjoining or nearby dwellings.

D8 Privacy

Objectives

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

Requirements

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
3. *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*

4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.

5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.

Comment:

The proposed development is suitably designed to direct outlook towards the front and rear of the allotment from each dwelling.

The proposal is consistent with the privacy provisions of the DCP, which seek to protect the amenity of residents.

D9 Building Bulk

Objectives

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment:

The proposed development is architecturally treated along all elevations to present well when viewed from adjoining properties and the street. The proposed upper level of the development has an increased side setback and the development is well setback from the street. There will be no adverse impacts due to building bulk. The proposed development is a well-conceived to achieve a desirable planning outcome.

D10 Building Colours and Materials

Objectives

- *To ensure the colours and materials of new or altered buildings and structures are sympathetic to the surrounding natural and built environment.*

Comment:

The proposed development will be sympathetic to the built environment in terms of colour and materials. The colour tones selected for the site reflect the neutral tones which pair with the existing established vegetated environment. The development will be consistent with other recently constructed dwellings in the precinct.

D11 Roofs

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *Roofs are to be designed to complement the local skyline.*
- *Roofs are to be designed to conceal plant and equipment.*

Comment:

A varied and interesting roof form is proposed. The roof is predominantly flat with a raised parapet providing architectural interest. A consistent roof profile and material is achieved.

D12 Glare and Reflection

Objectives

- *To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.*
- *To maintain and improve the amenity of public and private land.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

The proposed development being domestic in nature and situated on a local road will not result in any undue impact with regards to overspill glare and reflection.

D13 Front Fences and Walls

Objectives

- *To ensure that fencing, terracing and retaining walls are compatible with the existing streetscape character while creating visual interest in the public domain.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To avoid a 'walled in' streetscape.*

Comment:

Appropriate and compliant fencing will be constructed along site boundaries where required.

D14 Site Facilities

Objectives

- *To provide for the logical placement of facilities on site that will result in minimal impacts for all users, particularly residents, and surrounding neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To make servicing the site as efficient and easy as possible.*
- *To allow for discreet and easily serviceable placement of site facilities in new development.*

Comment:

All site facilities are currently available to the site in accordance with Clause D14. It is not proposed to alter the current arrangement in terms of site facilities.

D15 Side and Rear Fences

Objectives

- *To encourage innovative design solutions to improve the urban environment.*

Comment:

No change is proposed.

D16 Swimming Pools and Spa Pools

Objectives

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- *To encourage innovative design solutions to improve the urban environment.*

Comment:

A swimming pool is not proposed as part of the application.

D17 Tennis Courts

Comment: Not applicable.

D18 Accessibility

Objectives

- *To ensure vehicular access points for parking, servicing or deliveries, and pedestrian access are designed to provide vehicular and pedestrian safety.*
- *To ensure convenient, comfortable and safe access for all people including older people, people with prams and strollers and people with a disability.*

Comment: Not applicable.

D19 Site Consolidation in R3 and IN1 Zones

Comment: It is not proposed to consolidate the site.

D20 Safety and Security

Objectives

- *To ensure that development maintains and enhances the security and safety of the community.*

Comment:

The entrance to the dwellings will be easily identified and well lit. A covered entry area and front porch to each dwelling is proposed. Direct access into the dwellings from the attached garage is provided.

D21 Provision and Location of Utility Services

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure that adequate utility services are provided to land being developed.*

Comment: Not applicable.

D22 Conservation of Energy and Water

Objectives

- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure energy and water use is minimised.*

Comment:

The proposed development is to incorporate the following ESD design features in the completed development:

- Appropriate insulation which achieves an “R” value is to be included in wall cavities, roof and ceiling.
- The addition has been designed to facilitate cross ventilation by virtue of external openings on opposing walls.
- Water efficient fixtures are to be installed in each dwelling to lessen the demand for mains water and wastewater discharge.
- Energy efficient globes are to be installed in the dwelling.

Part E – The Natural Environment

E1 Private Property Tree Management

Objectives

- *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*

- *To protect human life and property through professional management of trees in an urban environment.*
- *To provide habitat for local wildlife.*
- *Promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community. See Warringah Natural Area Survey, August 2005.*
- *To preserve and enhance the area's amenity.*

Comment: Not applicable.

E2 Prescribed Vegetation

Objectives

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide habitat for local wildlife, generate shade for residents and provide psychological & social benefits.*
- *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- *To protect and enhance the habitat of plants, animals and vegetation communities with high conservation significance.*
- *To retain and enhance native vegetation communities and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological functions of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community.*
- *Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable plant and animal communities to survive in the long-term.*

Comment: Not applicable.

E4 Wildlife Corridors

Comment: Not applicable.

E5 Native Vegetation

This control applies to land identified on DCP Map Native Vegetation.

Comment:

The subject site is not identified on the DCP map as having native vegetation.

E6 Retaining unique environmental features

Objectives

- *To conserve those parts of land which distinguish it from its surroundings.*

Requirements

1. *Development is to be designed to address any distinctive environmental features of the site and on adjoining nearby land.*
2. *Development should respond to these features through location of structures, outlook, design and materials.*

Comment: Not applicable.

E7 Development on land adjoining public open space

Comment: Not applicable.

E8 Waterways and Riparian Lands

Comment: Not applicable.

E9 Coastline Hazard

Comment: Not applicable.

E10 Landslip Risk

Objectives

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*

- *To ensure there is no adverse impact resulting from stormwater discharge.*

Comment:

The subject site is identified as being situated just within Landslip Risk Area B with slopes of between 5 and 25 degrees. Accordingly, a geotechnical report accompanies the development plans. The existing dwelling has resisted movement over the years and it is considered that landslip does not constrain the propose development of the site.

E11 Flood Prone Land

Comment:

The subject site is not identified as being flood prone land.

8.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(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

(iii) any development control plan, and

(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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

The proposal is permissible pursuant to the SEPP (Housing) 2021. The proposal is consistent with zone objectives

The proposed development is reasonable in consideration of the streetscape objectives, overshadowing and privacy.

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.

Comment:

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's and NSW Government planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposal provides for a high degree of amenity for future occupants and is respectful of the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

c. the suitability of the site for the development.

Comment:

The subject site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development. The proposal provides for a suitable form of low-density infill housing as envisaged and encouraged by recent changes to the SEPP (Housing) 2021.

d. any submissions made in accordance with the Act or the regulations.

Comment: Nil

e. the public interest

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

The proposed development is purely domestic in nature and provides for the attainment of quality infill residential development satisfying urban consolidation initiatives and furthering the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note.

The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those

standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard.

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and

(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Comment: Not applicable.

9.0 CONCLUSION

The proposed dual occupancy development is permissible in the zone pursuant to the SEPP (Housing) 2021 and is appropriate in the context of the subject site and surrounding residential development. The proposal is consistent with the zoning and zone objectives. The proposal is satisfactory in consideration of the design principles prescribed under the DCP in so far as they apply,

The proposed development will contribute to the presentation of the street when viewed from Ashworth Avenue. The site-specific nature of the design ensures ease of integration into the streetscape. The applicant has specifically sought to provide a development with a high-quality design, which reflects contemporary planning and design initiatives. A site-specific design has been developed in this instance.

No adverse environmental impacts will arise with the construction of the proposed development.

The proposed development is respectful of the amenity of neighbouring properties and will not give rise to adverse overshadowing or privacy impacts in the context of site circumstances.

The proposal is consistent with the design criteria contained in the Low Rise Housing Diversity Design Guide.

The proposed development is consistent with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal has town planning merit and approval of the application is therefore recommended.