



Statement of Environmental Effects

**Proposed Strata
Subdivision of Approved
Dual Occupancy (Attached)
Under DA2025/0049**

**136 Fisher Road North,
Cromer NSW 2099**

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This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

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Report prepared for:

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26 September 2025

Disclaimer

This report has been prepared with due care and thoroughness by Four Towns Pty Ltd. The statements and opinions are given in good faith and in confidence that they are accurate and not misleading. In preparing this document, Four Towns Pty Ltd has relied upon information and documents provided by the Client or prepared by other Consultants. Four Towns Pty Ltd does not accept responsibility for any errors or omissions in any of the material provided by other parties.

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application for proposed strata subdivision to approved dual occupancy (attached) under DA2025/0049 at 136 Fisher Road North, Cromer, being Lot 7 within Deposited Plan 11332.

This report has been prepared following instructions from the client Mario Caruso. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011 (WLEP 2011);
- Warringah Development Control Plan (WDCP);
- Survey Plan prepared by Urban Surveying;
- Draft Strata Plan prepared by Waterview Surveying Services.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's WDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being strata subdivision to approved dual occupancy (attached) under DA2025/0049 at 136 Fisher Road North, Cromer, is permissible with development consent and is consistent with the relevant statutory planning instruments including Warringah Local Environmental Plan 2011 and relevant planning policies of Warringah Development Control Plan.

Accordingly, the Development Application succeeds on its merits and should be approved by Council, as submitted.

1.2 Background Information

The site was recently the subject of DA2025/0049 which was approved as alterations and additions of the existing dwelling and use as dual occupancy (attached). This proposal relates to the strata subdivision of that approval.

2. Site Profile

2.1 Property Description

The subject allotment is described as 136 Fisher Road North, Cromer, being Lot 7 within Deposited Plan 11332. The site is zoned R2 Low Density Residential under Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is it located within a heritage conservation area.

2.2 Site and Locality Description

The site is located on the western side of Fisher Road, north of the intersection with Lynwood Avenue. The allotment is irregular in shape with a splayed 20.045m frontage to Fisher Road North and a property depth of 40.12m. The site has a total area of 614.1sqm. The site has existing vehicular access to Fisher Road North at the southern end of the frontage. The site existing is a one storey rendered and clad residence with a tile and metal roof.

The locality maps below show the location and area of the site:



Source: Nearmap 2025



3. Proposal

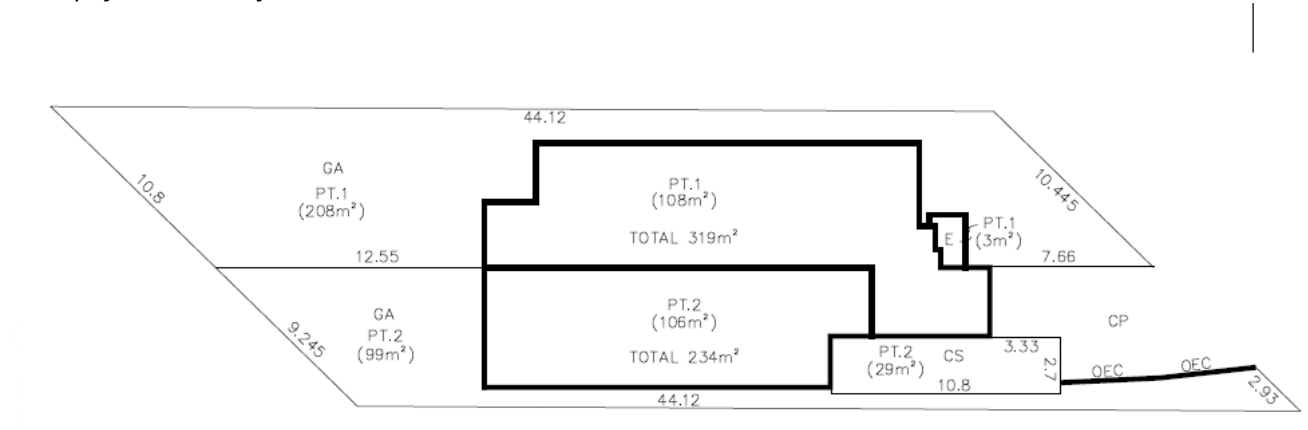
The proposal is for the strata subdivision of an approved dual occupancy (attached) under DA2025/0049 at 136 Fisher Road North, Cromer, being Lot 7 within Deposited Plan 11332.

Proposed Lots:

Lot 1 - 319sqm

Lot 2 - 234sqm

Excerpt from the Draft Strata Plan:



4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policies;
- Warringah Local Environmental Plan 2011; and
- Warringah Development Control Plan.

4.1 *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

SEPP (Sustainable Buildings) 2022

The proposal is for a strata subdivision only, as a result a no further consideration of the SEPP is required.

SEPP (Resilience and Hazards) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

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.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a

report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

It is submitted that the site has been used as residential accommodation for decades. There are no physical works proposed to the existing dual occupancy (attached), as a result no further studies are required with this application and the site is low risk.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPS that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas. The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The site is not located in a biodiversity or wildlife corridor. It is our professional opinion that the proposal meets the relevant provisions of the State Policy.

State Environmental Planning Policy (Housing) 2021

Chapter 6 Low and mid rise housing

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](#).

Cl164 confirms that the chapter applies to “the whole of the State” unless specified under cl164. The site does not fall under any of the sub-clauses of cl164 and therefore a dual occupancy is permissible on the site.

Part 2 Dual occupancies and semi-detached dwellings

Division 1 Preliminary

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 site is located within the R2 Low Density Residential under WLEP2011. The site is not listed or impacted as land under Clause 164. On the basis of the above, the Housing SEPP overrides WLEP2011 and permits development consent of the land for a dual occupancy (attached). On this basis, strata subdivision can occur on the site.

4.3 Warringah Local Environmental Plan 2011 (WLEP2011)

The relevant matters to be considered under WLEP2011 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>(d) in relation to residential development, to—</p> <p>(i) protect and enhance the residential use and amenity of existing residential environments, and</p> <p>(ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance, and</p> <p>(iii) increase the availability and variety of dwellings to enable population growth without having adverse effects on the character and amenity of Warringah,</p> <p>(f) in relation to environmental quality, to—</p> <p>(i) achieve development outcomes of quality urban design, and</p> <p>(ii) encourage development that demonstrates efficient and sustainable use of energy and resources, and</p> <p>(iii) achieve land use relationships that promote the efficient use of infrastructure, and</p> <p>(iv) ensure that development does not have an adverse effect on streetscapes and vistas, public places, areas visible from navigable waters or the natural environment, and</p> <p>(v) protect, conserve and manage biodiversity and the natural environment, and</p> <p>(vi) manage environmental constraints to development including acid sulfate soils, land slip risk, flood and tidal inundation, coastal erosion and biodiversity,</p>	<p>Complies – the proposal is for the strata subdivision of an approved dual occupancy (attached).</p> <p>The proposal is consistent with the character of the area. The proposal meets the aims of WLEP2011.</p>

Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	600sqm	N/A	N/A
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A

4.2A Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	N/A	N/A
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	N/A
4.6 Exceptions to development standards	Noted	N/A	N/A

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purpose	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Controls relating to secondary dwellings on land in a rural zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Dwelling house or secondary dwelling affected by natural disaster	N/A
5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A – the site is not identified as a Heritage Item or within a Conservation Area.
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent – playing and performing music	N/A
5.21 Flood planning	N/A
5.22 Special flood considerations	N/A
5.23 Public bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Relevant Additional Local Provisions

Provisions	Comments
6.1 Acid sulfate soils	N/A
6.2 Earthworks	N/A
6.3 (Repealed)	N/A
6.4 Development on sloping land	N/A
6.5 Coastline hazards	N/A
6.6 Erection of dwelling houses in Zone C3 Environmental Management	N/A
6.7 (repealed)	N/A
6.8 Subdivision of certain land	N/A
6.9 Location of sex service premises	N/A
6.10 Development for the purposes of secondary dwellings in zones R2 and R3	N/A
6.11 Affordable housing	N/A

Part 7: Dee Why Town Centre

Provisions	Comments
7.1 to 7.14	N/A – the site is not located within Dee Why Town Centre.

Part 8: Frenchs Forest Precinct

Provisions	Comments
8.1 to 8.11	N/A – the site is not located within the Frenchs Forest precinct.

Relevant Schedules

Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes—1

If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is **complying development**.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

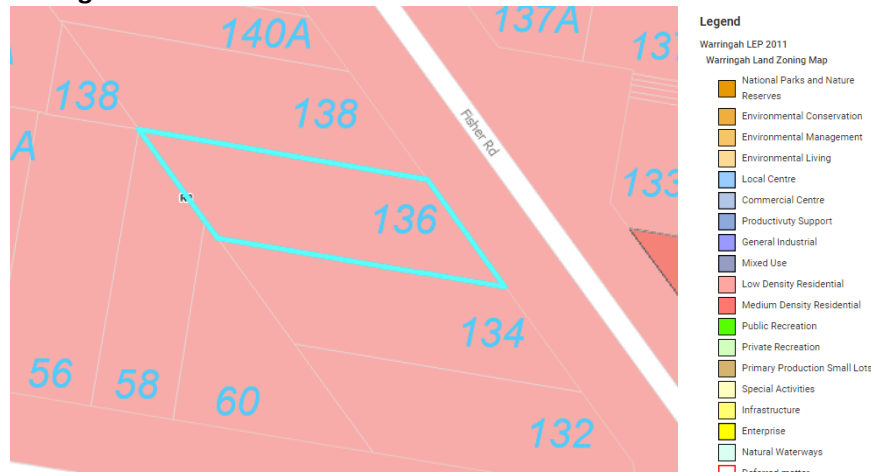
Note—

The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

Comment:

Complies – the proposal is for the strata subdivision of an approved dual occupancy (attached) under DA2025/0049. Clause 2.6 enables the subdivision.

Zoning Provisions



Zone R2 Low Density Residential

1 Objectives of zone

- 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.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses;

Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Comment:

The site is zoned R2 Low Density Residential. A dual occupancy is a permissible land use; therefore, the proposal for the strata subdivision of the existing dual occupancy (attached) is permissible with the consent of Council,

Part 4 Principal development standards

4.1 Minimum subdivision lot size



(1) *The objectives of this clause are as follows—*

- (a) *to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) *to achieve low intensity of land use in localities of environmental significance,*
- (e) *to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- (f) *to protect and enhance existing remnant bushland,*
- (g) *to retain and protect existing significant natural landscape features,*
- (h) *to manage biodiversity,*
- (i) *to provide for appropriate stormwater management and sewer infrastructure.*

(2) *This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

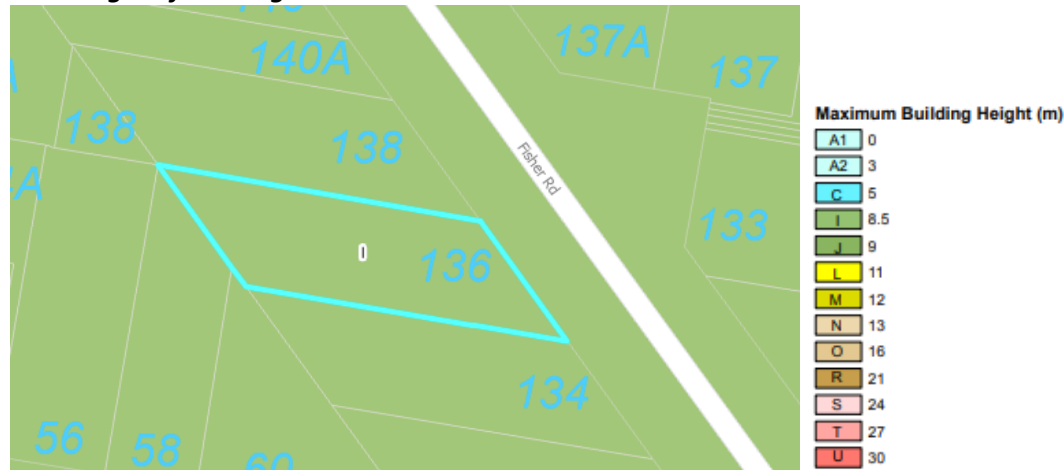
(3A) *For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.*

- (4) *This clause does not apply in relation to the subdivision of any land—*
 (a) *by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*
 (b) *by any kind of subdivision under the [Community Land Development Act 1989](#).*

Comment:

Not applicable – the proposal does not include a Torrens Title subdivision.

4.3 Height of buildings



- (1) *The objectives of this clause are as follows—*
 (a) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
 (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
 (c) *to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
 (d) *to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*
 (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*
 (2A) *If the [Height of Buildings Map](#) specifies, in relation to any land shown on that map, a Reduced Level for any building on that land, any such building is not to exceed the specified Reduced Level.*

Comment:

Not applicable – no physical works/amendments proposed to the approved dual occupancy (attached), therefore Clause 4.3 is not applicable to the assessment.

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
 (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
 (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental*

planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(ba) clause 4.4, to the extent that it applies to land identified on the Key Sites Map as Site F, Site G, Site H or Site I,

(c) clause 5.4,

(caa) clause 5.5.

(d) (Repealed)

(8A) Also, this clause does not allow development consent to be granted for development that would contravene a development standard for the maximum height of a building shown on the Height of Buildings Map on land shown on the Centres Map as the Dee Why Town Centre.

(8B) Despite subclause (8A), development on Site C or Site E may exceed the maximum height of building shown on the Height of Buildings Map if the maximum height is allowable under clause 7.14.

Comment:

Not applicable – no variation to development standards proposed.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Manly,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

Part 6 Additional local provisions

6.1 Acid sulfate soils

Comment:

Not applicable – the site is not identified within the Acid Sulfate Soils Map.

6.2 Earthworks

(1) The objectives of this clause are as follows—

- (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring separate development consent.*

(2) Development consent is required for earthworks unless—

- (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.*

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

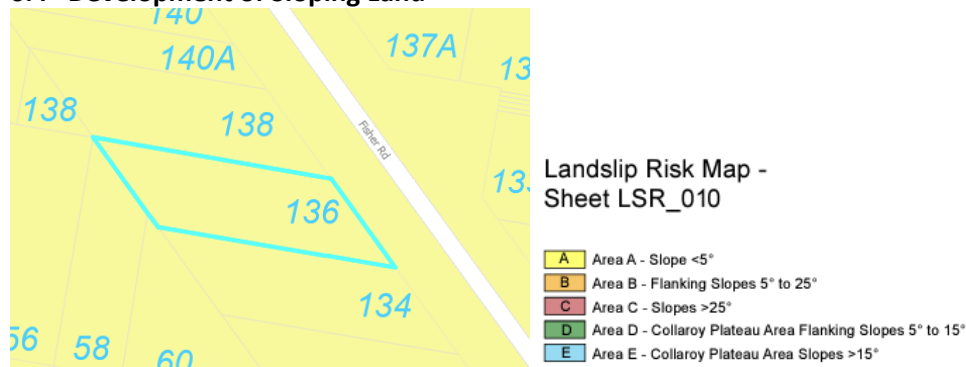
- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note. *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

Comment:

Not applicable – the proposal is for strata subdivision only.

6.4 Development of Sloping Land



(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:

Not applicable – the proposal is for strata subdivision only.

General

The site is not identified on the following maps within WLEP2011:

- Bushfire Map
- Land Reservation Acquisition Map
- Heritage Map
- Coastline Hazard Map
- Key Sites Map
- Additional Permitted Uses Map
- Land Reclassification (Part Lots) Map
- Floor Space Ratio Map
- Centres Map
- Acid Sulfate Soils Map
- Flood Hazard Map

4.4 Warringah Development Control Plan (WDCP)

The proposal is for the strata subdivision to an approved dual occupancy (attached) under DA2025/0049. It is noted there are no relevant controls within WDCP that apply to a strata subdivision. On this basis, the proposal meets the relevant planning controls under WLEP and can be supported as submitted.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) The provision of any Environmental Planning Instrument

Comment: The proposal for strata subdivision is permissible with consent and is consistent with the intent of Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011 as they are reasonably applied to the application.

(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

Comment: Not applicable.

(iii) Any development control plan

Comment: The proposal has been reviewed and assessed under Warringah Development Control Plan 2011.

(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

Comment: Not applicable.

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

Comment: Not applicable.

(v) (repealed)

(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,

Context and Setting:

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

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

Comment: The proposal strata subdivision at 136 Fisher Road North, Cromer, is compatible with adjoining residential development and will not result in any unreasonable amenity impacts in terms of views, privacy or overshadowing.

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

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

Comment: These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the controls.

Access, transport and traffic:

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

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

Comment: The proposal is for strata subdivision only with no change to approved car parking and access on site.

Public Domain

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

Utilities

Comment: Existing utility services will connect to service the dwellings.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna.

Waste Collection

Comment: Normal domestic waste collection applies to the site as existing.

Natural hazards

Comment: The site is located within Landslip Risk Area A. There are no visible natural hazards to the site. The site is not identified on the flooding or bushfire maps.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

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

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*

- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

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

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

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

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

Construction

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

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

Comment: The proposal will employ normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

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

Comment: The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the existing use as residential accommodation to remain. The proposed use as a dual occupancy is consistent with the varied nature of the area noting numerous residential land use forms such as dwelling houses, secondary dwellings, and residential flat buildings.

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

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposed strata subdivision is permissible and consistent with the intent of WLEP2011 and WDCP controls as they are reasonably applied. The development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal for strata subdivision to approved dual occupancy (attached) under DA2025/0049 at 136 Fisher Road North, Cromer, being Lot 7 within Deposited Plan 11332 is permissible with consent and consistent with the intent of the controls as they are reasonably applied to the proposed application. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of WLEP 2011 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, constraints and adjoining land uses.

Accordingly, the proposal for strata subdivision to approved dual occupancy (attached) under DA2025/0049 at 136 Fisher Road North, Cromer, being Lot 7 within Deposited Plan 11332, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.