



Minto Planning Services

Town Planning Consultants

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED TWO LOT TORRENS TITLE SUBDIVISION & CHANGE OF USE TO PERMIT A DWELLING HOUSE

1 BIBBENLUKE AVENUE, DUFFYS FOREST

**On behalf of
Mr & Mrs Anschau**

November 2020

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STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED TWO LOT TORRENS TITLE SUBDIVISION & CHANGE OF USE FROM
ANIMAL BOARDING ESTABLISHMENT TO DWELLING HOUSE**

1 BIBBENLUKE AVENUE, DUFFYS FOREST

Prepared under instructions from

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Mr & Mrs Anschau. The proposal seeks approval for the cessation of the existing animal boarding establishment and surrender of the existing consent, demolition of some structures associated with the animal boarding establishment (fencing and cages), the two lot Torrens title subdivision of the site together with alterations to the existing office building and its change of use to permit a dwelling house upon land identified as Lot 392 in DP 752017 and which is known as 1 Bibbenluke Avenue, Duffys Forest.

It is understood that the existing animal boarding establishment is regarded as an unsympathetic land use relative to its neighbours. The proposed Torrens title subdivision will provide the owners of the site with sufficient financial incentive to cease the existing animal boarding establishment use and to provide for a more suitable type of development (residential) which is unlikely to result in any detrimental impacts upon the surrounding locality.

In consideration of this application reference has been made to the following controls:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy No 55 - Remediation of Land*
- *Proposed Amendments to State Environmental Planning Policy No 55 - Remediation of Land*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

In addition to this Statement of Environmental Effects, the proposal is described in the following documentation:

- Survey Plan prepared by Survey Plus, Ref No. 18273_DET_1A, Sheets 1-3, Revision No. A and dated 15/10/2019.
- Proposed Plan of Subdivision, Boundary Identification and Demolition Plan prepared by Survey Plus, Ref No. 18273_SUB_1B, Sheets 1-5, Revision B and dated 22/10/2020.
- Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Reference No. 201564 and dated 8th July 2020.
- Existing & Proposed Dwelling Plans prepared by Rob Crump Design, Job No. 2589, Drawing No. 01-02, Issue A and dated 14/07/2020.
- Stage 1 Preliminary Site Investigation prepared by Construction Sciences, File Reference 5046200086 and dated 15/07/2020.
- Stage 2 Detailed Site Investigation prepared by Construction Sciences, File Reference 5046200086-R02 and dated 7/10/2020.

- Wastewater Maintenance Reports prepared by Bio Treat NSW and dated 28/11/19 & 5/8/20.
- Waste Management Plan.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

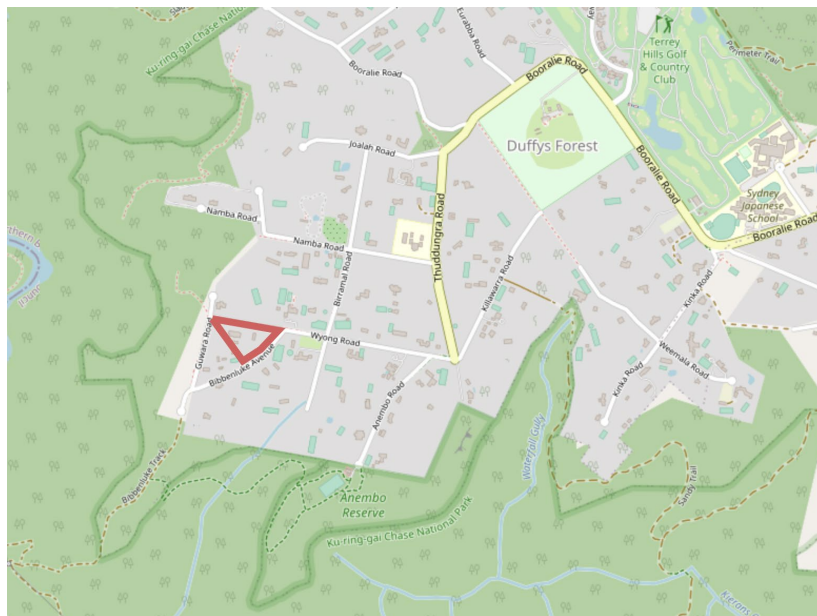
As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site currently comprises of a single allotment of land identified as Lot 392 in DP 752017 and which is known as 1 Bibbenluke Avenue, Duffys Forest.

The property is a triangular shaped allotment located on the western corner of the intersection of Bibbenluke Avenue and Wyong Road. The property has a lot size of 1.84ha (by DP) and has a primary frontage to Bibbenluke Avenue of 176.925m and a secondary frontage to Wyong Road of 256.41m. The site has a rear boundary width measuring 199.735m.

The sites location is depicted in the following street map extract.



Site Location Map

The subject site is a gently sloping allotment having a fall from the front south eastern corner (RL 179.92) to the rear western corner (RL 173.48). Total fall across the site is approximately 6.44m. It is understood that collected surface water from the existing development is currently disposed of on-site with no change proposed as a result of the subject application.

The site currently supports an animal boarding establishment and related detached structures associated with the use and which are located on the eastern portion of the site, fronting Bibbenluke Avenue. A single brick building originally approved as a dwelling house and currently being used as an office associated with the existing animal boarding establishment is to be retained and is to be the subject of proposed building alterations and a change of use to permit its use as a dwelling house on proposed Lot 2.

Of the remaining structures located upon the eastern portion of the site and associated with the animal boarding establishment it is advised that the enclosed building (shed) structures will be retained, whilst all animal cages, fencing and the like will be demolished and removed from the site. Reference is made to the Demolition Plan prepared by SurveyPlus and which accompanies this application.

The site is also currently occupied by a single storey limestone dwelling with metal roof located upon the western portion of the site. A detached limestone pool house with attached shed are located to the south of the dwelling. A metal garage/shed exists towards the southern corner adjacent to Bibbenluke Avenue. This dwelling, pool house and detached shed are all proposed to be retained as part of the application and will be located upon proposed Lot 1.

Vehicular access to the site is currently available from multiple locations. Access to proposed Lot 1 will be via the concrete crossover and paved driveway entering via Wyong Road and which leads to the existing dwelling house. Access to proposed Lot 2 will via the existing circular gravel driveway with separate entrance and exit crossovers from Bibbenluke Avenue and which currently serves the existing animal boarding establishment.

The existing buildings and site are not heritage listed and are not considered to have any heritage significance which would be impacted by the proposed development.

Vegetation located upon the property comprises of a combination of native and exotic species which are situated around the perimeter of the property as well as between the existing dwelling and proposed dwelling with the remainder of the property being mostly cleared and supporting a formal garden setting which includes maintained lawn areas.

There is no vegetation proposed to be removed as part of this application.

The site as it currently presents is depicted in the following photographs:



The existing animal boarding establishment as viewed from the south west



The existing animal boarding establishment as viewed from the north east



The existing animal boarding establishment as viewed from the north



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The area surrounding the subject site currently comprises of rural residential uses including a range of single and two storey detached dwellings on allotments which are typically similar in size to that of the subject allotment.

Surrounding land uses include a number of schools, other animal boarding establishments, a gun club and a number of horse riding schools.

Development located further to the north east comprises conventional low density residential allotments which are located within the Terrey Hills Golf and Country Club.

The sites location within the surrounding environment is depicted in the following aerial photograph.



Aerial Photo of Subject Site & Surrounding Locality

It is not considered that there are any other features of the locality which are relevant to this application.

4. THE PROPOSAL

The proposal seeks approval for the cessation of the existing animal boarding establishment and surrender of the existing consent, demolition of some structures associated with the animal boarding establishment (fencing and cages), the two lot Torrens title subdivision of the site together with building alterations to the existing office building and its change of use to permit a dwelling house upon land identified as Lot 392 in DP 752017 and which is known as 1 Bibbenluke Avenue, Duffy's Forest.

The proposal also includes retention of the existing single storey dwelling and detached pool house located on the western portion of the site and a shed structure located on the western part of the site.

The following is a detailed description of the proposal.

Subdivision

The proposed subdivision will result in the subdivision of the existing single allotment so as to create two (2) Torrens title allotments.

Proposed Lot 1 will be a street frontage allotment having a frontage of 153.91m to Wyong Road and an area of 1.16 ha.

Proposed Lot 2 will be a street frontage allotment having a frontage of 136.4m to Bibbenluke Avenue and an area of 6,772m².

Vehicle access to both lots will continue to be provided by way of the existing driveways which currently service the existing structures.

Stormwater from the proposed subdivision is to be disposed of on each site as per the existing arrangements. The same applies in relation to the existing on-site wastewater disposal systems for each allotment.

The development indices for the proposed subdivision are as follows:

Existing Lot Size:	1.84 ha
Proposed Lot 1:	1.16 ha
Proposed Lot 2:	6,772m²

The proposal provides setbacks to the existing dwelling located on proposed Lot 1 of 35.6m from the front boundary and 6.7m from the side boundary to the pool house. The dwelling located on proposed Lot 2 resulting from the change of use is provided with a front setback of 10.4m, a rear setback of 10.8m and a side setback in excess of 14m.

It is considered that the proposed setbacks are responsive to the prescriptive requirements of the Council together with the prevailing setbacks of development within this locality.

Building Alterations

As part of the change of use of the existing animal boarding establishment to a dwelling house it is proposed to carry out some very minor alterations to the existing building.

The proposed building alterations are essentially limited to the installation of a new kitchen and the refurbishment of internal and external building finishes.

The proposed dwelling house following completion of the proposed alterations and change of use will comprise the following:

Ground Floor: Entry, dining, living, retreat, WC, Laundry, Shower, family room, kitchen, four bedrooms and a bathroom.

All existing vegetation is proposed to be retained as part of this application.

Stormwater from the existing buildings is to be disposed of on each site as per the existing arrangements. The same applies in relation to the existing on-site wastewater disposal systems for each allotment.

There are no other works proposed as part of this application.

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 55 - Remediation of Land and the Warringah Local Environmental Plan 2011.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

5.1 State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) provides a State-wide planning approach to the remediation of land and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/or the environment.

SEPP 55 requires that the consent authority must not consent to the carrying out of any development on land unless it has considered whether that land is contaminated and if so, whether it is suitable for a proposed development or requires remediation.

The proposed remediation of the contaminated land requires consent under Clause 9 of SEPP 55, which states:

- 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.*

It is considered that the Stage 1 & 2 Site Investigations prepared by Construction Sciences satisfies the criteria above. The conclusion of the Stage 2 Detailed Site Investigation states:

Based on CS's assessment of desktop review information, fieldwork observations and laboratory analytical data, CS makes the following conclusions:

The site is considered to be suitable for the following land use scenario:

- Residential with accessible soil, including garden with home grown produce contributing less than 10% fruit and vegetable intake (excluding home grown poultry and/or eggs).

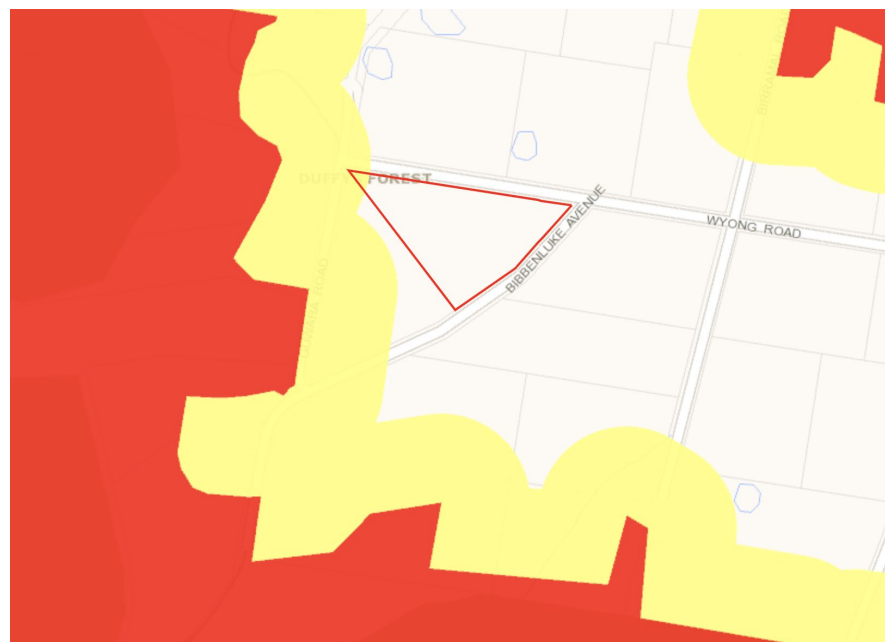
5.2 Proposed Amendments to State Environmental Planning Policy No. 55 - Remediation of Land

The proposed amendments to SEPP 55 are site specific and solely relate to the former Cockle Creek smelter and Incitec site at Boolaroo, Lake Macquarie.

Therefore, the draft policy does not relate to the subject site or proposed works.

5.3 Planning for Bushfire Protection

The subject site is identified as containing bushfire prone land on Council's Bushfire Prone Lands Map. Therefore, the provisions of *Planning for Bushfire Protection Guidelines* apply to the proposed development.



Extract from Council's Bushfire Prone Land Map

Northern Beaches Bush Fire
Prone Land Map, Certified 7
August 2020
■ Vegetation Category 1
■ Vegetation Category 2
■ Vegetation Category 3
■ Vegetation Buffer

A Bushfire Assessment Report has been prepared in support of the proposal by Building Code & Bushfire Hazard Solutions Pty Ltd and their report forms part of the information accompanying this application.

That report within its conclusion states that:

The subject development relates to the subdivision of one (1) existing allotment into two (2). The proposed subdivision is classified as integrated development and assessed under section 100B of the Rural Fires Act 1997.

In accordance with PBP we have applied Chapter 5 'Residential and Rural Residential Subdivisions'.

The minimum required APZ was determined from Table A1.12.2 of PBP 2019 to be 29 metres to the southwest of the building envelopes. The available APZs from the building envelopes was measured to be >110 metres, exceeding the minimum requirements under table A1.12.2 PBP 2019.

We are of the opinion that appropriate operational access and egress for emergency service personnel and occupants is available.

In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development and also satisfy both the Rural Fire Service's concerns and those of Council in this area.

We are therefore in support of the development application.

On this basis the proposal is considered to provide for an appropriate response to the issue of bushfire safety.

5.4 Warringah Local Environmental Plan 2011

The subject land is zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011.

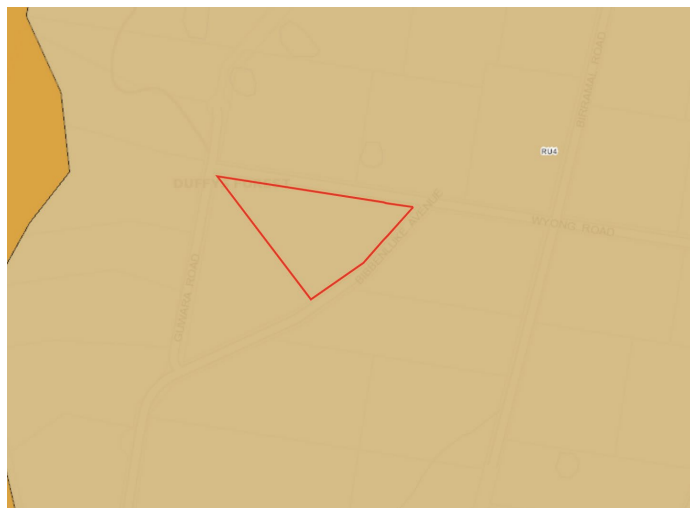
The objectives for development within the RU4 zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- *To maintain and enhance the natural landscape including landform and vegetation.*
- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*
- *To maintain the rural and scenic character of the land.*

Under the RU4 - Primary Production Small Lots zone a range of uses including that of a *dwelling house* and *subdivision* is permissible with the consent of the Council.

The subdivision of land is specifically permissible under Clause 2.6 of the LEP.

The proposal which seeks to subdivide the existing single allotment into two allotments together with building alterations and a change of use to permit a dwelling house is considered to be consistent with the above objectives.



Extract of Council Zoning Map

The following provisions of the Warringah Local Environmental Plan 2011 are considered to be applicable to the subject site.

Clause 4.1 - Minimum Subdivision Lot Size

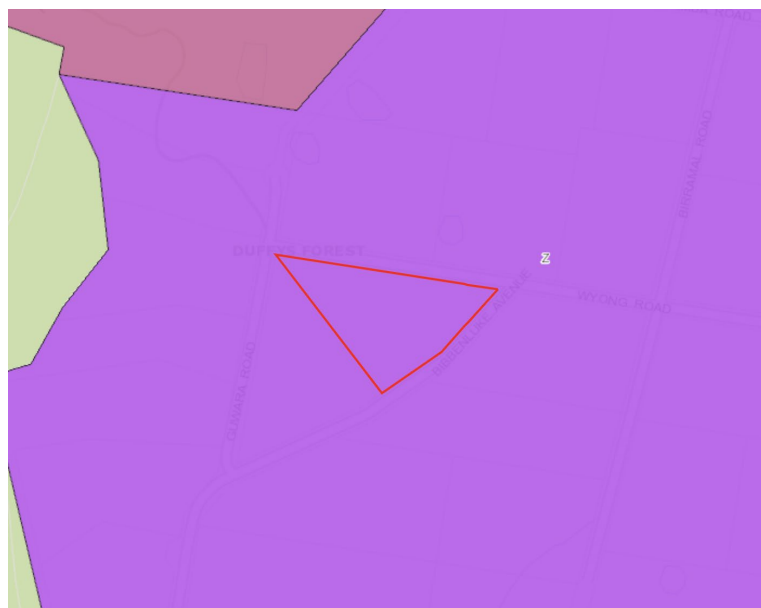
The subject site is located within minimum Lot Size Area “Z” under Council’s LEP and as such is subject to a minimum allotment size of 2 ha.

The proposal is to provide for the following lot sizes:

- Lot 1 - 1.16 ha
- Lot 2 - 6,772m²

The proposed lot sizes for both Lots 1 and 2 do not comply with the minimum allotment size requirements of Clause 4.1 of the LEP. A Clause 4.6 submission to vary the minimum subdivision lot size accompanies this application.

It is considered that the Clause 4.6 submission is well founded and is worthy of the Council.



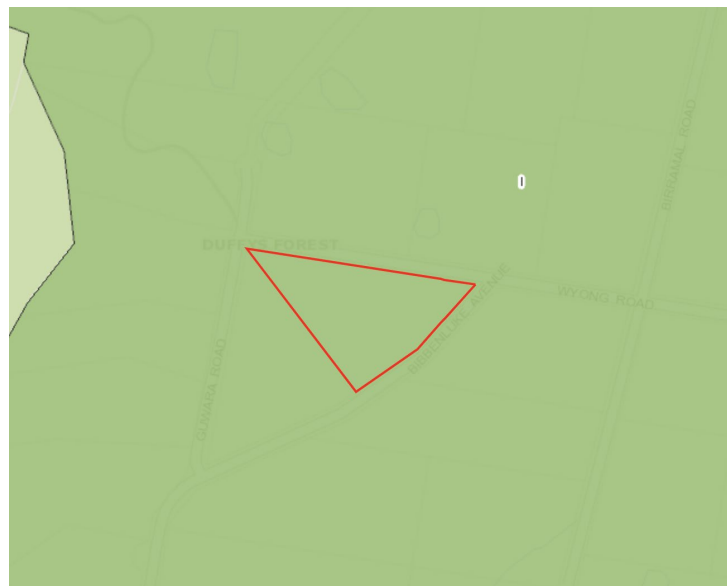
Extract from Council Minimum Allotment Size Map

Clause 4.3 - Height of Buildings

Under Clause 4.3 of the LEP the subject site is located within the “I” Height Zone and as such is subject to a maximum building height of 8.5m.

The proposal involves alterations to the existing single storey building and does not incorporate any change to the existing building height and which is considered to comply with the maximum building height control detailed above.

The proposal is therefore considered to comply with the requirements of Clause 4.3 of the LEP.



Extract from Council Height Map

Clause 4.6 - Exceptions to Development Standards

The proposed Torrens title subdivision of one lot into two results in a non-compliance with the minimum allotment size controls as required by Clause 4.1 of the Warringah Local Environmental Plan 2011.

The proposal is to provide for the following lot sizes:

- Lot 1 - 1.16 ha
- Lot 2 - 6,772m²

The proposed lot sizes for Lots 1 and 2 do not comply with the minimum allotment size requirements of Clause 4.1 of the LEP and which requires a minimum allotment size of 2ha per allotment.

Given that the proposal does not comply with the minimum subdivision lot size and in order for consent to be granted to the proposal a variation pursuant to Clause 4.6 of the LEP is required.

This Clause 4.6 variation has been prepared having regard to the recent decisions of the Land & Environment Court.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

1. What are the objectives of Clause 4.6 and is the proposal consistent with them.

The objectives of Clause 4.6 of the LEP are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.

Clause 4.1 is contained within Part 4 of the LEP and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to matters which constitute development standards.

It is also noted that Clause 4.1 does not contain a provision which specifically excludes the application of Clause 4.6.

On this basis it is considered that Clause 4.1 is a development standard for which Clause 4.6 applies.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

It is my opinion that compliance with the requirements of Clause 4.1 is both unreasonable and unnecessary in the circumstances of this case for the following reasons:

- Each dwelling is provided with a frontage to a separate street.
- The property currently supports the existing dwelling structures.
- The proposed non-compliance will not in my opinion result in any amenity impacts upon adjoining properties including unreasonable overshadowing or a loss of privacy.
- The proposal in my opinion will not result in any unreasonable visual impacts upon either adjoining properties or the streetscape as a result of the non-compliance.
- The proposal will not result in an intensification of the use of land.
- The proposal will facilitate the removal of a land use (animal boarding establishment) which is typically the subject of complaint and its replacement with a more sympathetic land use (residential).

On this basis it is my opinion that strict compliance with the standard is unreasonable and unnecessary in the circumstances of this case.

4. Are there sufficient environmental planning grounds to justify contravening the development standard.

It is considered that a contravention of the development standard is justified in this instance on environmental planning grounds given that the existing animal boarding establishment use is generally regarded as an unsympathetic land use relative to its neighbours. The proposed Torrens title subdivision will provide the owners of the site with sufficient financial incentive to cease the existing animal boarding establishment use and to provide for a more suitable land use (residential) upon the site.

Absent the proposed subdivision the existing animal boarding establishment use will remain.

- 5. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.**

The proposed development is in my opinion in the public interest because it will provide a financial incentive for the owners to cease the existing animal boarding establishment use. The proposed change of use to a dwelling will make a positive contribution to the locality in a manner which is otherwise compliant with the requirements of the LEP, the applicable zone objectives and the objectives of the particular standard.

In relation to the objectives of Clause 4.1 of the LEP the following review is provided:

- (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,*

Comment

The area surrounding the subject site comprises of a subdivision pattern which contains a varying range of allotment shapes.

In relation to allotment sizes whilst it is agreed that the majority of allotments satisfy the minimum 2ha requirement, it is noted that there are examples of smaller allotments comparable in size with the proposal.



An aerial view of the surrounding area and subdivision pattern

- (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*

Comment

Notwithstanding the proposed allotment sizes it is considered that the allotments could be used for a range of permissible uses.

- (c) to protect the integrity of land holding patterns in rural localities against fragmentation,*

Comment

Given that the subject site has two street frontages and that each dwelling will present to a separate street frontage that the proposal will not result in fragmentation.

- (d) to achieve low intensity of land use in localities of environmental significance,*

Comment

It is considered that the intended use of each allotment for residential purposes is considered to provide for a low intensity use of land.

- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*

Comment

Based upon the accompanying Bushfire Assessment Report it is considered that there will not be any unreasonable bushfire impacts resulting from the proposed subdivision and residential use.

- (f) to protect and enhance existing remnant bushland,*

Comment

The proposal will not result in any impacts upon remnant bushland.

(g) to retain and protect existing significant natural landscape features,

Comment

The proposal will not impact upon any significant natural landscape features.

(h) to manage biodiversity,

Comment

It is not considered that there are any biodiversity issues associated with the subject site.

(i) to provide for appropriate stormwater management and sewer infrastructure.

Comment

All stormwater and wastewater associated with the proposal and the existing/proposed dwellings will be disposed of on-site utilising the existing stormwater and wastewater disposal systems.

6. Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.

It is my opinion that contravention of the standard does not raise any matters of significance for State or Regional environmental planning.

7. What is the public benefit of maintaining the development standard.

It is my opinion that there is no public benefit in maintaining the development standard in this instance given the proposed subdivision incorporates existing structures and the absence of any unreasonable detrimental impacts.

It is also considered that the proposal will allow for the replacement of the existing animal boarding establishment use with a use (residential) more suitable for the site and locality.

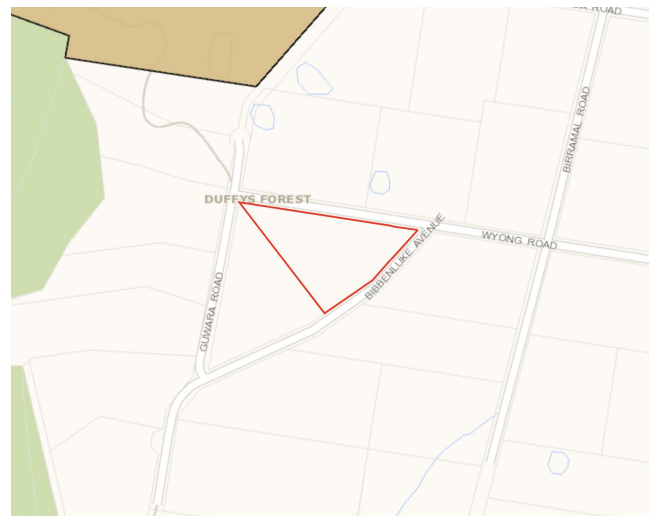
Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the minimum lot size requirements of Clause 4.1 of the Warringah LEP 2011 is appropriate in this instance.

Clause 5.10 - Heritage Conservation

The subject site is not located adjacent to a heritage item or within a heritage conservation area. It is not considered there is any heritage significance associated with the property which would be impacted upon by the proposal.

The proposal is therefore considered to satisfy the requirements of Clause 5.10 of the LEP.



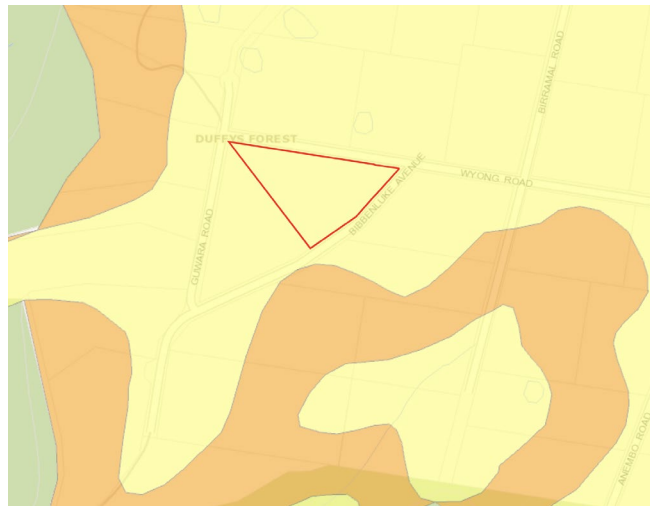
Extract of Council Heritage Map

Clause 6.4 - Development on Sloping Land

Under Clause 6.4 of the LEP the subject site is located within Area A of the Landslip Risk Map and as such is categorised as containing 'slope <5°'.

The proposal does not seek to undertake any building work upon the site beyond minor alterations to the existing building associated with its conversion to a dwelling.

On this basis the proposal is considered to comply with the objectives of Clause 6.4 of the LEP.



Extract of Council Landslip Risk Map

Summary

There are no other provisions of the Warringah Local Environmental Plan which it is considered are relevant to the proposal.

Subject to Council's support of the Clause 4.6 submission the proposal is considered to satisfy the requirements of the Warringah Local Environmental Plan.

5.5 Warringah Development Control Plan

Part B - Built Form Controls

It is considered that both the existing dwelling and the proposed dwelling house meet the objectives and requirements contained within this part of the DCP. The works do not result in any changes to the existing building setbacks and wall heights and no external works are proposed other than the proposed demolition works associated with the decommission of the existing animal boarding establishment.

Part C - Siting Factors

C1 - Subdivision

The proposed two lot Torrens title subdivision is considered to meet the objectives contained within section of the DCP as outlined below.

1. Requirements

The subject site is zoned RU4 - Primary Production Small Lots and as such the requirements of this section do not apply.

2. Access

Proposed lots 1 & 2 are provided with separate vehicle access to each allotment from each of the respective lot's street frontages. Vehicular access to proposed lot 2 is currently provided via a gravel driveway with separate entrance and exit crossovers from Bibbenluke Avenue and which currently is utilised by the animal boarding establishment. Access to proposed lot 1 is provided by way of a concrete crossover and paved driveway entering via Wyong Road and which leads to the existing dwelling house located upon that allotment.

3. Design and construction

The proposed subdivision of one lot into two does not require any new roads or rights of carriageway. It is considered that the subdivision design maximises and protects solar access for both the existing dwelling house and the proposed dwelling resulting from the change of use and considers orientation, shape, size and lot width.

4. Drainage

It is understood that collected surface water from the existing development is currently disposed of on-site. No change to the existing arrangement is proposed as part of this application.

5. Environmentally constrained land

The subject site is located within Area A of the Landslip Risk Map and is identified as containing bushfire prone land on Councils Bushfire Prone Lands Map.

In relation the bushfire classification it is advised that a Bushfire Assessment Report has been prepared in support of the proposal as is detailed below.

In relation to the geotechnical classification it is noted that each of the proposed allotments supports a dwelling house and that no substantive works are proposed by this application. It is therefore considered that a geotechnical assessment is not warranted in this instance.

6. Bushfire

The subject site is identified as containing bushfire prone land on Councils Bushfire Prone Lands Map. Therefore, the provisions of *Planning for Bushfire Protection Guidelines* apply to the proposed development.

A Bushfire Assessment Report has been prepared in support of the proposal by Building Code & Bushfire Hazard Solutions Pty Ltd and their report forms part of the information accompanying this application.

That report within its conclusion states that:

The subject development relates to the subdivision of one (1) existing allotment into two (2). The proposed subdivision is classified as integrated development and assessed under section 100B of the Rural Fires Act 1997.

In accordance with PBP we have applied Chapter 5 'Residential and Rural Residential Subdivisions'.

The minimum required APZ was determined from Table A1.12.2 of PBP 2019 to be 29 metres to the southwest of the building envelopes. The available APZs from the building envelopes was measured to be >110 metres, exceeding the minimum requirements under table A1.12.2 PBP 2019.

We are of the opinion that appropriate operational access and egress for emergency service personnel and occupants is available.

In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development and also satisfy both the Rural Fire Service's concerns and those of Council in this area.

We are therefore in support of the development application.

On this basis the proposal is considered to satisfy this element of the DCP.

C3 - Parking Facilities

The proposal requires a total of 2 spaces to be provided on site for each allotment. It is considered that the both the existing dwelling house and the proposed dwelling are provided with car parking which satisfies the minimum requirements of the DCP. In addition, all vehicles are able to enter and leave the site in a forward direction.

The proposal is therefore considered to satisfy this element of the DCP.

C4 - Stormwater

It is understood that collected surface water from the existing development is currently disposed of on-site with no change proposed to the existing arrangement.

The proposal is therefore considered to satisfy this element of the DCP.

C8 - Demolition and Construction

A Waste Management Plan has been prepared for the site and forms part of the information accompanying this application and includes the proposed demolition and construction phases.

The proposal is therefore considered to satisfy this element of the DCP.

C9 - Waste Management

A waste management plan has been prepared for the site and forms part of the information accompanying this application.

In addition to the above it is considered that sufficient space is provided upon the site for the storage of the required waste containers in a location behind the building line.

The proposal is therefore considered to satisfy this element of the DCP.

D7 - Views

It is not considered that the proposal will impact upon the views of adjoining properties.

D8 - Privacy

The objectives of this section of the DCP is to appropriately locate the siting and design of buildings to provide reasonable visual and acoustic privacy for residents and their neighbours and to ensure the rights to privacy are balanced with the public benefit of maintaining the streetscape character.

The proposed works consist of subdivision and internal alterations to an existing building which is located within a rural locality with generous setbacks which minimises if not negates the potential for the loss of visual and acoustic privacy.

D10 - Building Colours & Materials

The proposal relates to an existing dwelling house and existing building which is to be converted to a dwelling. It is considered that the existing colours and materials are in keeping with the character of the surrounding area and which will ensure that the proposal will continue to make a positive contribution to the character of the locality.

D11 - Roofs

The proposed works do not consist of any changes to the roof form and are therefore considered to satisfy the requirements of this section of the DCP.

E10 - Landslip Risk

The subject site is located within Area A of the Landslip Risk Map and as such the provisions of Clause 6.4 of the LEP apply to the proposal.

In relation to the geotechnical classification it is noted that each of the proposed allotments supports a dwelling house and that no substantive works are proposed by this application. It is therefore considered that a geotechnical assessment is not warranted in this instance.

The proposal is therefore considered to satisfy the requirements of this section of the DCP.

Summary

There are no other provisions of the Warringah DCP applicable to the proposal.

The proposal is therefore considered to appropriately satisfy the aims and objectives of the DCP together with the applicable prescriptive requirements.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned RU4 - Primary Production Small Lots under the provisions of the Warringah Local Environmental Plan 2011. The proposed subdivision and carrying out of alterations together with a change of use to permit a dwelling house is permissible with the consent of Council.

The proposal has been assessed against the objectives and provisions of the SEPP, the LEP and Council's DCP as detailed within this report. It is considered that subject to Council's support of the accompanying Clause 4.6 submission that the proposal complies with the requirements of these documents.

Impacts of the Development - Section 4.15(1)(b)

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area as has been detailed within the body of this report.

The proposed dwelling house resulting from the proposed alterations together with a change of use is considered to be of a design, which is in keeping with the character of the surrounding area and the desired future characteristics identified for this locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned RU4 - Primary Production Small Lots under the Warringah LEP. The carrying out of alterations to the existing building together with a change of use to permit a dwelling having a height of less than 8.5 metres is permissible with the consent of Council.

The proposed two lot Torrens title subdivision does not comply with the Council's minimum subdivision lot size requirement. A Clause 4.6 variation has been prepared in respect of the proposed lot sizes. The proposed variation is considered to be well founded and is worthy of the support of the Council.

The subject site currently supports an existing animal boarding establishment building that was originally constructed as a dwelling together with a separate dwelling. It is considered that in the absence of any unreasonable detrimental impact that the site is suitable for the proposed development.

7. CONCLUSION

The proposal is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 55 and the Warringah Local Environmental Plan 2011 and has been assessed against the requirements of Section 4.15(1) of the Act and the applicable controls. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal excluding the proposed lot sizes satisfies the aims and objectives as well as the applicable prescriptive requirements of the above controls.

As previously identified the proposal does not meet the minimum subdivision lot size requirements of the Council. A Clause 4.6 variation has been prepared in respect of the proposed subdivision lot sizes. The proposed variation is considered to be well founded and is worthy of the support of the Council.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed cessation of the existing animal boarding establishment, demolition of related structures, two lot Torrens title subdivision together with building alterations to the existing office and change of use to permit a dwelling house upon land at 1 Bibbenluke Avenue, Duffys Forest is worthy of the support of Council.

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