

STATEMENT OF ENVIRONMENTAL EFFECTS (SofEE)

107 Iris Street, Beacon Hill, NSW 2100

DATE:

March 2023

PROJECT APPLICANT

Maree Jaloussis

CLIENTS

Maree Jaloussis Hayes and Michael Hayes

PROPOSAL DESCRIPTION

Proposed Torrens Title Subdivision of 1 lot into 4 lots.

PROPOSAL REFERENCE NUMBER

XXXXX

LOT Plan Number:

18/ DP19022

Council:

Northern Beaches Council

Report Prepared by

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107 Iris Street, Beacon Hill - View from Iris Street

1. Introduction

This Statement of Environmental Effects has been prepared in support of the Development Application for the proposed Torrens Title subdivision of one lot into four lots, crossing and driveway at 107 Iris Street, Beacon Hill, NSW 2100 and is made under Part 4 of the Environmental Planning and Assessment Act 1979.

The proposed development is detailed in the Application package submitted with the Development Application as well as in this document. It has been discussed with Council in a Pre-DA meeting on 8 November 2022. This application meets with the requirements requested by council from the minutes of that meeting.

This Statement provides a response assessment of the development proposal with respect to the relevant legislative context, social, economic and environmental impacts, and potential impacts of the works on the surrounding locality as well as any measures proposed within the application to mitigate such impacts.

This Statement details the proposed developments consistency with the applicable environmental planning instruments and development control plans including:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Act 2000*
- *Warringah Local Environmental Plan Act 2011*
- *Warringah Development Control Plan 2022*

In this regard, it is envisaged that the proposed development is consistent with the aims and objectives of the relevant environmental planning instruments and development control plan, whilst also being compatible with the emerging character of the locality and minimising any potential impacts on the amenity of the adjoining properties.

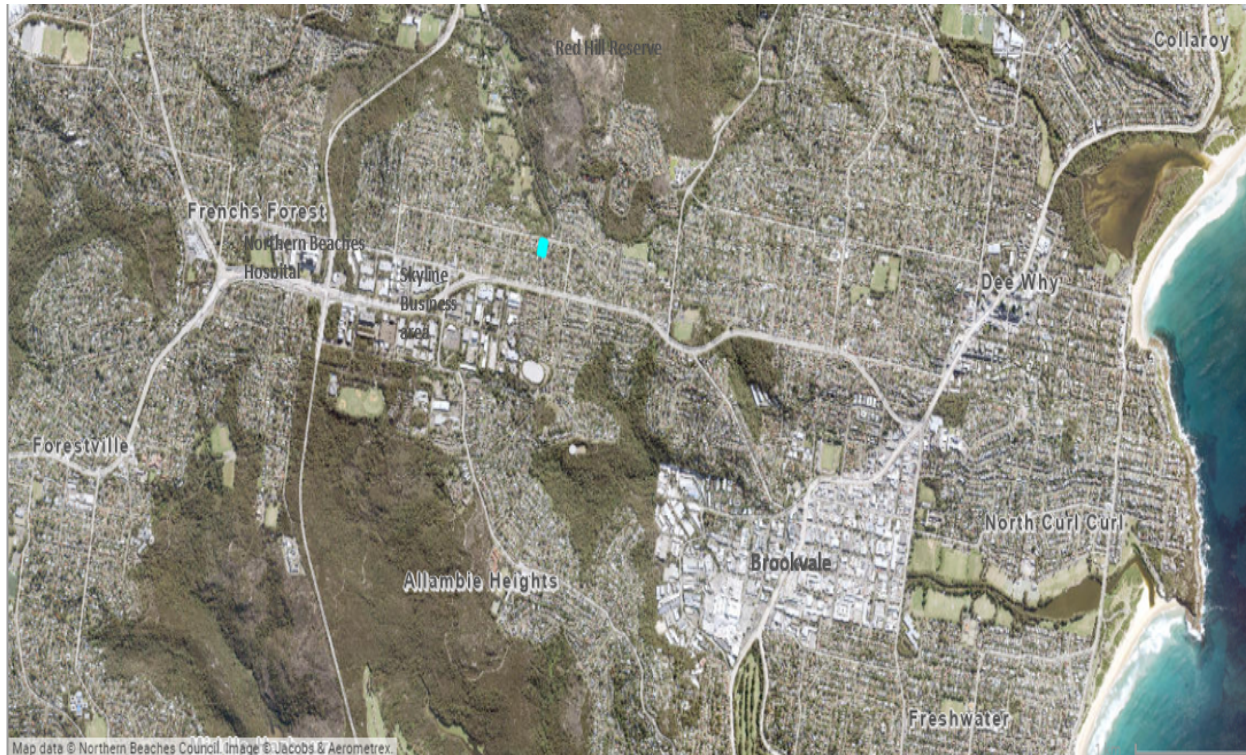
Regarding the lot sizes, after Council's feedback and support following the Pre- lodgement DA Meeting on 8 November 2022, the applicant seeks a 4.6 variation request concerning WLEP 2011 Clause 4.1 R2 zoning minimum lots sizes as outlined in the Clause 4.6 variation request which is part of this document.

2. Site Location and Analysis

Site Suburb Location Map

107 Iris Street, Beacon Hill

in relation to surrounding suburb localities. (Property shaded in aqua)



As shown in the **site suburb location map** in relation to surrounding areas, the subject site is located in Beacon Hill, less than one kilometre from the Skyline business area, two kilometres from the Frenchs Forest Health and Education precinct and future centre and three kilometres from the Brookvale Business and Shopping Precinct.

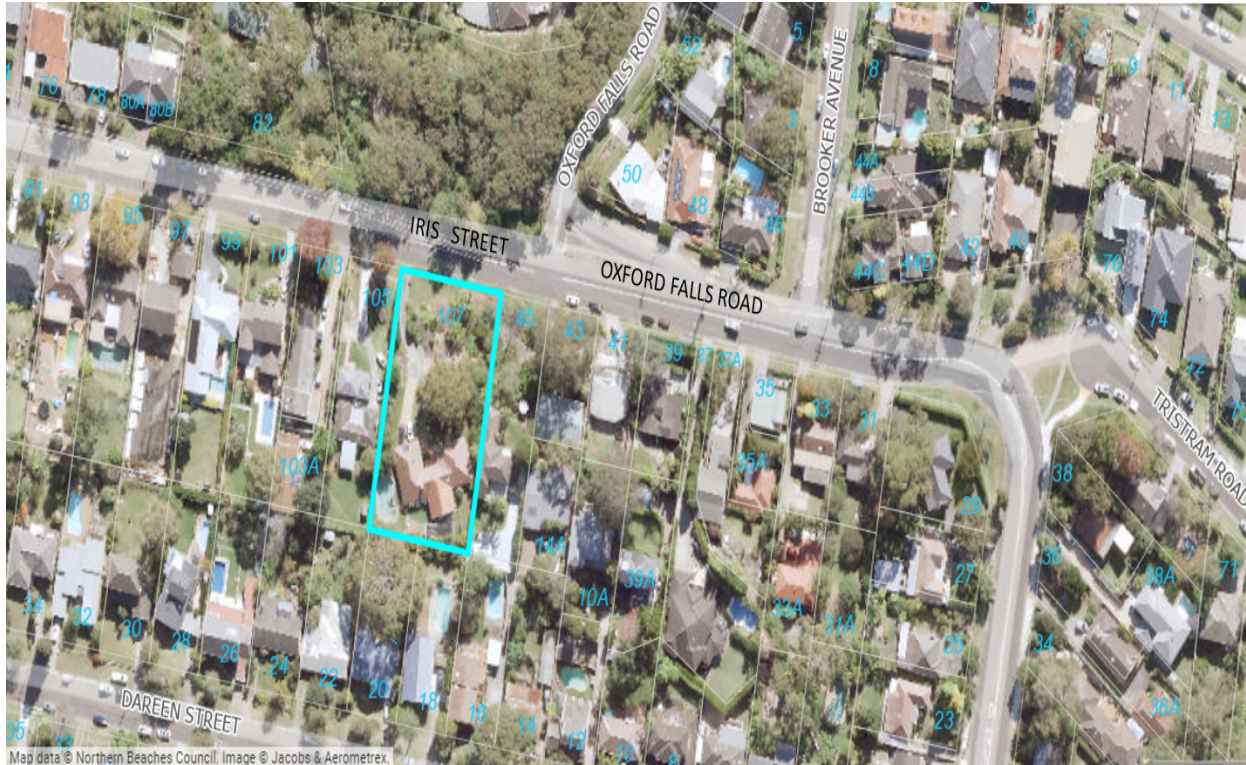
It is also in proximity to recreational areas, including Red Hill Reserve, Beacon Hill Oval and Dee Why and other beaches and recreational areas.

The subject site is located near by major traffic and public transport bus routes that run along Iris Street and Warringah Road.

Site Immediate Locality Map

107 Iris Street, Beacon Hill

In relation to immediate locality (Outlined in aqua)



The **site immediate locality map** illustrates that the subject is located in a residential area with a land zoning of WLEP2011- R2 Low density residential.

The site has a large block size for the immediate locality, with an area of 2254.8m². In the surrounding locality there are a variety of lot sizes, many of which are below 600 m².

There are a variety of residential styles, materials and one and two storey dwellings in the vicinity.

Site Detail Map

107 Iris Street, Beacon Hill

(Outlined in aqua)



The subject site is located at 107 Iris Street, Beacon Hill.

It is situated on the southern side of Iris Street and is the last house number on Iris Street 2 blocks before where the roundabout meets and continues as Oxford Falls Road, Beacon Hill.

(Please note that the location photos were taken prior to the roundabout being built).

WLEP 2011

The site is zoned R2 – Low Density residential

The site is subject to the Northern Beaches Council Bush Fire Prone Map.

The site is subject to WLEP 2011- Land Slip Risk Area Map – Area A and Area B.

The site is subject to WDCP – Landscaped Open Space and Bushland Setting 40% of site.

These are all addressed within this report.

3. Site Description

Picture of Site

107 Iris Street, Beacon Hill

View from Iris Street showing eastern boundary edge to western boundary edge



The subject site is located at 107 Iris Street, Beacon Hill and is Lot 18 in Deposited Plan 19022.

The site area is 2254.8m². It is rectangular in shape and is 34.695 mts wide (east/west frontage) and 65.005mts deep (north/south side boundaries).

Looking at the site from Iris Street;

The left boundary is situated on the left side of the concrete riser.

The right boundary is on the right side of the right-side brick entry pier.

At the rear, southern part of the site is an existing five bedroom, 4 bathroom, brick and tiled dwelling with terrace, garden, cabana, tool shed and swimming pool.

Vehicular access is via a cross over and driveway from Iris Street at the western side of the site and extending to the double garage of the existing house.



The site slopes from the south (rear of the block) towards Iris Street and has a fall of approximately 10 metres. The site has a pleasant prospect with filtered bush views towards the Oxford Falls rural and Red Hill recreational areas.

The site has a northern orientation towards the direction of Iris Street. This northerly aspect together with the slope is advantageous to the future dwelling design potential of the site.

View from the site showing bush views and northerly aspect.



This picture shows the rock escarpment that rises up 3.3 mts from the street frontage at the highest on the eastern side and slopes down towards the west along the block frontage with some other natural rock to near ankle height.

The top rock outcrop starts approximately 3 metres behind the building setback line and is generally flat in most places with an elevation at the back eastern side

(it is difficult to see some parts of it due to the removal of extensive privet on the site for surveying purposes).



*The photo below features the sandstone rock outcrop that is located in the northern area of the site.
View of rock shelves/outcrop and existing house*



In the middle, left of the site is a mature English Oak tree (Quercus robur) which is being preserved.

An Arboriculturalist Impact Assessment report has been prepared by Sydney Arborist, dated 30/01/2023 and discusses the management and protection of the tree and forms part of the application.

4. Proposed Subdivision

Following advice from council of keeping consistent sizes and growth for future housing, this development application is seeking consent for the Torrens Title subdivision of the subject site from one (1) lot into four (4) lots including new vehicular access driveway.

Lot sizes

In order to create four viable lots including associated access driveways and easements, the lot sizes result in site areas that are less than the WLEP Cl 4.1 R2 zoning standard of 600 m².

This is as supported by Northern Beaches Council at the Pre-lodgment Meeting dated 8 November 2022 subject to a 4.6 variation request, which is included in this document.

The Master Plan for the site it is proposed that the subdivision would be carried out in two stages. The first stage would comprise of Lots 1 and 2 closest to Iris Street to be finalised and lodged with the Land Registry Services (LRS) first. Stage 1 would include the installation of all services for the entire site being carried out.

Stage 2 would comprise of Lots 3 and 4 at the rear of the site. The staged approach allows the original residence to remain until Stage 2 is enacted. Stage 2 can be implemented at a future date. This would include a Building Proposal being lodged for the rear of the property thus replacing the existing dwelling or part thereof at the rear of the property with two new dwellings.

Therefore, the existing dwelling is to be retained in Stage 1 and situated on the newly created battle-axe lot would form the proposed Lots 3 & 4. These are each sized in the vicinity of 520m² lot sizes. This fits with the smaller lot sizes that exist to the east of the street, many others in the area and in line with government policy to fit 10 000 more housing sites on the Northern Beaches, along with smaller blocks for more affordable housing.

Vehicular access

The existing cross over and driveway runs from Iris Street with a large curve to the mid rear of the property. The proposed crossover and driveway would be located on the same cross over but would instead run straight up the of the property to allow better use of site area and lot designs. All the lots would be accessed via the single crossover and driveway (as recommended by Council).

Due to the near roundabout and council recommendations following the Pre DA Meeting feedback provided it was recommended to access the driveways internally. With Lot 1 entering from the corner of the access handle on the western boundary and Lot 2 entering from the rear along the east/west part of the proposed new part of the driveway.

As the Subdivision is the proposed Stage 1 and the lot is sub-dividable without needing a building proposal, it is envisaged the Council understands that this is not a multi-dwelling application. Only a Staged Subdivision Certificate is being sort in this Development Application. Future DAs will address the requirement for any Construction Certificates independently.

Landscape considerations

The subject site is classified under Warringal DCP -D1 – Landscaped Open Space and Bushland Setting. The Proposed subdivision of lots will maintain a minimum of 40% of the site as soft landscaped area.



In the middle eastern side of the site is a mature English Oak tree (*Quercus robur*) that will be preserved and protected. A report has been prepared by Sydney Arborist dated 30/01/2023.

As per the Arboriculturalist Impact Assessment report, consideration has been made regarding the root zone and structural measures to ensure that the driveway will not impact the tree.

The Arborist has stated in their report that this is achievable by using metal piers between any roots for structural support. However, to fit the required 2 car garage between the tree and the eastern boundary we are requesting of Council that they allow the applicants to utilize 300mm from the neighbouring property to form part of the 3000mm Stormwater Easement that they have requested. This would ensure that the Structural Root Zone and tree height are provided that bit extra space for a modest 5.6mt garage. This is discussed further in this submission.

The applicants are very conscious of keeping the greening of the site and from the start have wanted to keep the significant Oak. Thus ensuring that the objectives of the LEP are met and even exceeded.

On the western boundary, as per the Local Environment Plan further landscaping will occur on the 500mm just inside the fence and for the length of the boundary and driveway. This area will also house most of the services. To ensure the greening of the site, trees (mostly native) will be planted to give the area the continued feeling of nature and provide privacy for neighbours.

Next to this will be the 3.5 metre required (as per the standard for 1-4 lots) clear width driveway to top of the proposed rear boundary where it then turns to the east to continue on where it will create the entrance to Lot 2 (113) and meet with the boundary to the neighbouring property (being 45 Oxford Falls Road).

It is proposed that the blocks will offer the community an entry level into the market where two houses can be later built, that continue the sensitivity to keeping within the surrounding areas natural bush beauty.

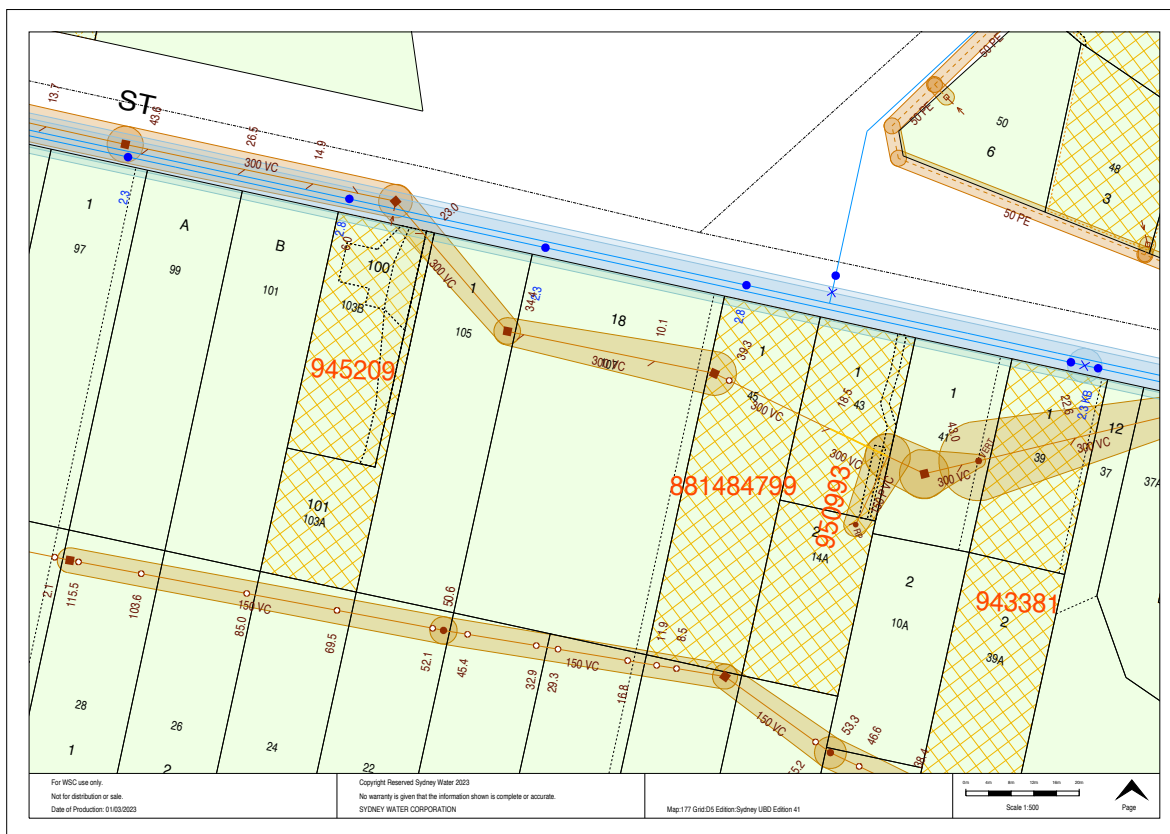
Sewer Mains Easement

Situated behind the building setback at 13mts is a Sewer Mains Easement that has been cut into the rock and is encased over the top with concrete.

Professional advice and Sydney Water have stated that this is not a concern to the development as done with dwellings to the east of the site (ie 39 & 41 Oxford Falls Road etc) and it can be built over.

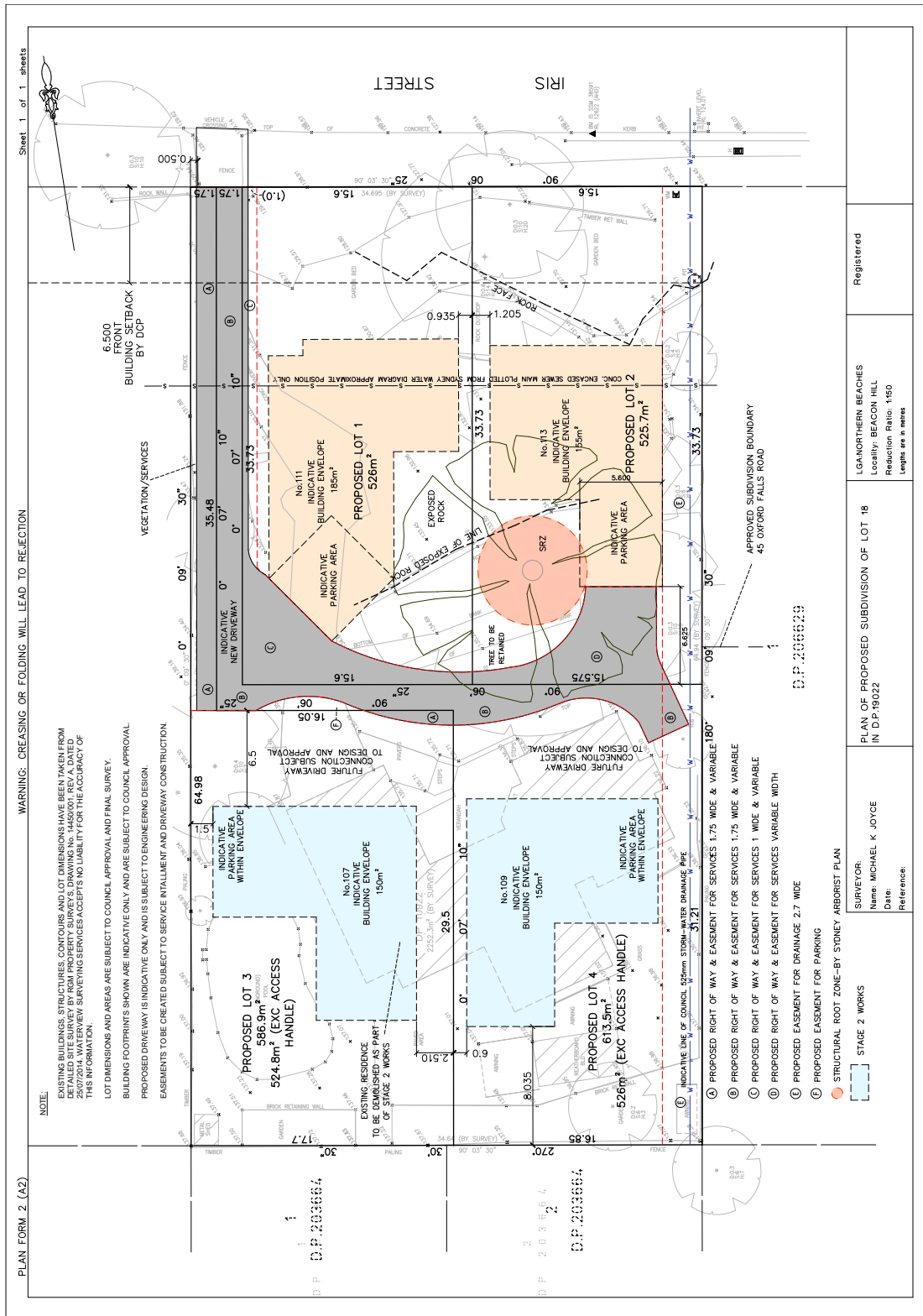
The standard requirement is with a 450 mm gap between it and the underside of any dwelling (ref MGP Pty Ltd).

Having said that the mains are currently encased in concrete. During the addition of the two new front blocks these will need to be tapped into to connect a new Y junctions for the new residences. This will be done as part of the services installment.



6. Sub Division Plan

[illegible]



[illegible]

8. Statutory Framework

8.1 Local Environmental Planning (LEP) Instruments

Warringah Local Environmental Plan 2011 (WLEP2011)

(Referred to in detail in the attached Exemption request)

Clause 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

RESPONSE:

- The proposed development seeks subdivision under Clause 2.6.1
- The proposed subdivision is less than the R2 Residential zone minimum lot size.
- The proposal seeks an Exemption under WLEP Clause 4.6 which is included in this document.

Clause 4.1 - Zone R2 - Low Density Residential.

Objectives of zone

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provides 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.*

Warringah LEP 2011- Land Zoning Map



RESPONSE:

1. The subject site is zoned R2 – Low Density Residential
2. In this zoning the minimum subdivision lot size is 600 m²
3. To enable the subject site to be subdivided into four viable lots, the minimum lot size has been reduced from the zoning standard.
4. The site area of each lot excludes any access handles and easements.
5. The lot sizes follows including variation from the standard:
 - Lot 1: 526 m² (12.3% below the standard of 600 m²)
 - Lot 2: 525.7 m² (12.4% below the standard of 600 m²))
 - Lot 3: 525 m² (12.5% below the standard of 600 m²)
 - Lot 4: 526 m² (12.3% above the standard of 600 m²)
6. It is considered that this proposed development be assessed as compatible with the governing zone objectives.
7. The proposed lots while being less than 600m² still allow for dwellings to be in a low density residential environment.
8. The R2 low-density character would still be maintained with the subdivision pattern of the lots.
9. There is a need for smaller, more affordable blocks, which this development provides.
10. The Lots are located in proximity to facilities and services that meet the day-to-day needs of residents. The less than one kilometre from the Skyline business area, two kilometres from the Frenchs Forest Health and Education precinct and future centre and three kilometres from the Brookvale Business and Shopping Precinct.

11. It is also in proximity to recreational areas, including Red Hill Reserve, Beacon Hill Oval and Dee Why and other beaches and recreational areas.
12. The subject site is also in proximity to a public transport bus routes along Iris Street and Warringah Road.
13. The proposed subdivision directly aims to provide for the housing needs of the community with negligible impacts on environmentally sensitive locations and scenic quality.
14. The subdivision design allows for all the lots to benefit from a Northern aspect and leafy prospect with partial district bush views of the locality.
15. The subdivision will allow for the harmonious landscape settings with the natural environment of Warringah.
16. The Old English Oak tree that is a significant feature on the block and in the streetscape, will be preserved and protected.
17. As part of the development further native trees will be added along the access handle to encourage birdlife and add to the nature harmony of the area.
18. As the proposal is less than the WLEP 2011 4.1 standard, an exemption is sought under WLEP Clause 4.6 which is included as an appendix to this document.

Clause 4.2 Permitted without consent

Home-based child care; Home occupations

RESPONSE:

NA

Clause 4.3 Permitted with consent

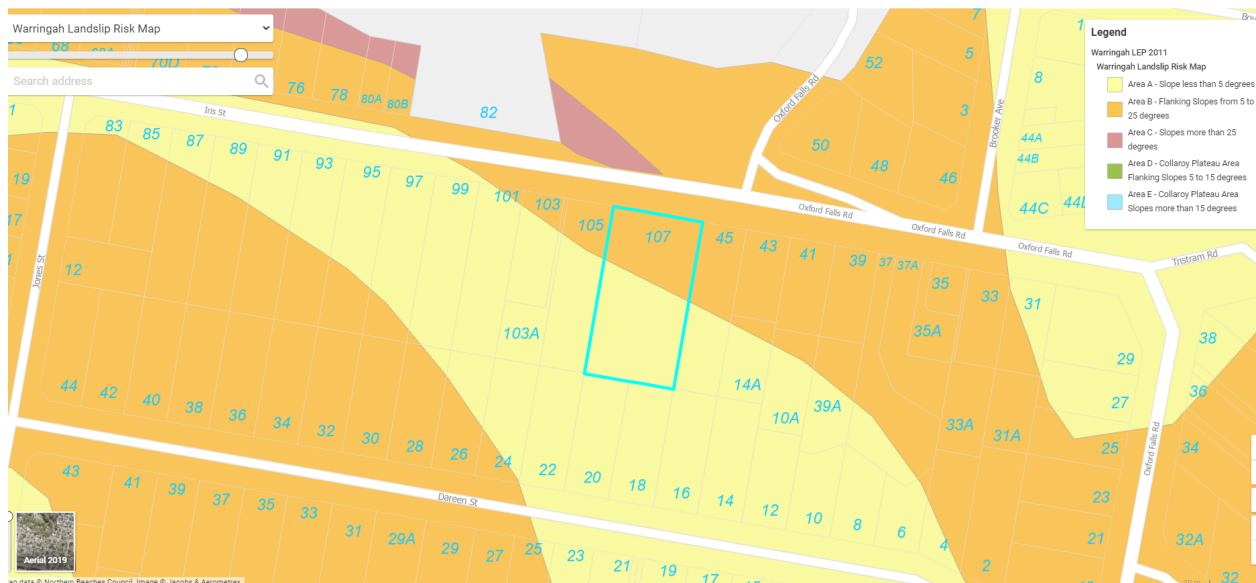
*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centers; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals*

RESPONSE:

Dwelling houses are permitted.

It is envisaged that this proposed development be assessed as compatible with the governing zone objectives.

Warringah LEP 2011- Land Slip Risk Area



Clause 6.4 Development on sloping land

Response:

1. The subject site is appears on the Warringah LEP 2011- Land Slip Risk Area Map.
2. The southern two thirds (in yellow) are classified as Area A – Slope of less than 5 degrees.
3. The northern third of the site (in orange) is classified Area B – Flanking slopes from 5 to 25 degrees.
4. The proposed development is not envisaged to be associable with;
 - Significant risk associated with landslides in relation to both property and life.
 - Significant detrimental impacts because of storm water discharge from the development site.
 - Significant impact on or affect the existing subsurface flow conditions.
5. The Geotechnical report by prepared by Geotechnical Consultants Australia on 3 December 2019. Due to no structural changes happening to the site since this report was written it is also included here for this application should it be required.

8.2 Development Control Plan (DCP)

Warringah Development Control Plan 2011

The following DCP standards have been responded to as per Councils Pre-DA requests.

Development Standard & Requirements	Compliance/ Proposed
B5 – Side Boundary setback 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 Requirements: As per DCP Map is 900mm.	The development site is subject to a minimum side setback of 900mm and the allotments meet this requirement. However, along the western boundary will run the 3.5m driveway included in this on the boundary will be an easement for the services of 500mm. On top of this will be a planting of native hedge for natural landscaping, privacy and softening of the driveway. On the Eastern Boundary there is a stormwater easement that council require access to and have requested a 3 metres wide easement. The applicant requests that as the neighbouring property at 45 Oxford Falls Rd (whom have lodged a variation to their DA to request an easement for their stormwater on the adjoining boundary to Lot 2) that they share the 300mm closest to their common boundary. The applicants have agreement from the neighbouring property that this would be allowable with a legal agreement to follow if council were to see fit to approve this. Thus in the event that the easement did require council access that they would have 2700mm from the applicants side and 300mm from the neighbouring side making the total 3000mm. With the major stormwater pipe not starting till 900mm from the applicant's boundary this offers an extra buffer on that same side whilst still offering a great 1800mm on the applicant's side of the pipe. With the constraints of the tree particularly creating entry difficulty for the driveway it is hoped Council can see their way clear to compromise on this sharing of this section of the easement.

B7 – Front Boundary setback 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 Requirements: As per DCP Map is 6.5mts.	The DCP requires a 6.5m front setback. The future dwellings within proposed Lots 1 & 2 will be in line with Council's minimum 6.5 m setback. Due to the steeply sloping topography of the site, the driveway for Lot 1 (111) will enter in off the proposed north/south driveway and left onto the rock outcrop. This way the front can be left as part of the soft landscaping requirements and entrance to the house therefore removing the bulkiness of a driveway and improving the quality of the streetscape. Lots 3 and 4 also comply with the 6.5 metre front setback.
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Objectives

- ### Requirements:

B10 – Merit assessment of Rear Boundary setbacks

Objectives

- streetscape;
- amenity of surrounding properties; and
- setbacks of neighbouring development

In consideration of the subdivision layout and driveway access as recommended by Council to ensure forward in, forward out access, it is requested that this requirement be flexible to allow for suitable access and the amenity of the subdivided lots. **We request of Council this be assessed under B10 merit assessment.**

Lot 1 will require a driveway and garage to be part of the rear boundary as (per the Pre DA Meeting feedback) council felt that the 3.3m – 300mm street frontage escarpments was not the right place for the car parking spaces. Plus the driveway would have been to close to the roundabout. Permission is requested to allow the proposed vehicle access and garage to be within the rear 6.0 setback to allow safe vehicle movement and access.

Lot 2 also benefits from the English Oak tree setting. Permission is requested to allow the proposed vehicle access and garage to be within the 6.0 setback to allow safe vehicle movement and access.

Lots 3 and 4 compliance to the 6 metre rear setback meet the setback requirements.

It is considered that privacy between dwellings will be maintained due to the subdivision lay out and the location of garages on Lots 1 and 2 and access driveway will provide further separation.

Essentially the front of the blocks/lots will be like a typically rear and the rear will be more typical of a front entry. With all these considerations combined there will be plenty of privacy for all.

[illegible]

1. R2 Low Density Residential zone Requirements: Proposed new allotments: a) Min width: 13m b) Min depth: 27 m and c) Min building area: 150m² ... <u>Access</u> 2. Motor vehicle access to each residential allotment is required from a constructed and dedicated public road. Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction. Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.	Yes The access to driveway Lot 1 will provide the passing area as the driveway will be 35.48mts long. However, the turning angle starts at approx. 25mts. N/A The Driveway length is just over the standard of 30mts being 35.48 mts. According to Council's feedback on the day of the Pre DA meeting as long as the access way is a long straight driveway so there are not any blind spots it can be longer than the 30mt standard. This would also require a passing bay and this has been allowed for at the top of the driveway and forms part of the reversing allowance for Lot 1. At the top of the driveway will be a mirror showing any coming vehicles from the eastern side and/or bottom of the driveway. ROWs will be noted legally on the title documents. As per the objective for 4 lots the Driveway access will be 3.5m with a 500mm boundary strip between the boundary and driveway handle
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Driveways, access ways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10. Driveways in excess of 200 metres will not be allowed for residential development. Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m. Passing bays should have regard to sight conditions and minimise vehicular conflict. Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay. Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities. ... Width of accessways* Number of lots to be serviced/ Width of clear constructed accessway (m)* 1-5 lots/3.5m 6-10 lots/5.0m In excess of 10/Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)	Noted and met. N/A The driveway length up to the turning angel is approx. 25mts. At this point there is an allowable passing bay. Although the total length is straight and clear 33.73mts Council advice at the Pre-DA Meeting was that this would be satisfactory as there were no impediments or blind spots. Both the north/south part of the driveway and east/west have no vision impediments. The entry into Lot 1 forms part of the passing bay. The area is a width of at least 9.5 mts and goes for at least a distance of 10mts across the back curve of the driveway. Noted and achieved. Width of clear constructed accessway meets the standard of 3.5mts.
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Design & construction

3. All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.

Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.

4. Drainage

Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system.

The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.

Restrictions

5. Any easement, right-of- carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.

All design & construction will be meeting with the council requirements and the relevant Australian Standards.

Design with regards to solar access, orientation, shape, size and lot width is all taken into consideration to ensure the best sustainable outcomes.

Due to the topography and natural fall of the site, it slopes directly to the road drainage and thus joins straight to the storm water easement. Therefore, drainage is not considered an issue for this site.

This is all dealt with in detail in the engineers Stormwater Plan by Technical Projects Consultants dated March 2023.

Noted for the Stormwater Easement & and the Driveway Right of Ways will all form part of the title deed final documents.

Environmentally constrained land

6. In areas subject to constraints such as flooding, tidal inundation, threatened species, **landslip risk, bushfire** or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.

Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrop.

Bushfire

7. Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.

The site is identified as Area A & B on Council's Land Slip Risk Map. The proposed allotments are capable of accommodating dwelling that minimise the hazard risk.

The site is noted as Land Slip Risk Area A & B as per the DECP a geo technical report is not required for this standard.

However, as we prepared one for our 2019 submission we have included it as it covers any queries around this for future reference.

The report has been prepared by Geotechnical Consultants Australia dated 3 December 2019 and is attached to this submission. The report provides recommendations in relation to geotechnical inspections to be observed during the construction works.

The proposed subdivision recognizes the rock outcrop and this will be utilised in the future proposals as a feature wherever possible. In other areas will be used as a solid base on which to build.

A Bushfire Risk Assessment Report has been prepared by Bushfire Planning Consultants dated 12 October 2022.

It is noted within the Report that the block has no concerned hazards and falls in the LOW BAL Building Setback. The north/east corner outside of the building setback is BAL 12.5 but will not be utilised in construction and will be kept clear of debris.

C2 – Traffic, Access and Safety Objectives To minimise: a) traffic hazards; b) vehicles queuing on public roads c) the number of vehicle crossings in a street; d) traffic, pedestrian and cyclist conflict; e) interference with public transport facilities; and f) the loss of “on street” kerbside parking. Vehicular crossing to be provided in accordance with Council’s Vehicle Crossing Policy	As requested by Council in our Pre-DA Lodgement Meeting we have ensured there is only one driveway access to the 4 lots. This already meets with all objectives and requirements of the DCP. This reduces the impact of further driveways closer to the roundabout. The Vehicular crossing does not change and therefore will be in accordance with Council’s Vehicle Crossing Policy This also ensures that of a) through to f) objectives are all met on this site.
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 space • To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.	Car parking for 2 vehicles is available at the top of the driveway at the southern end of the proposed Lot 1 & Lot 2. Lots 3 & 4 will have their car spaces along their northern boundaries as part of the future proposed dwellings allowing for privacy and adequate space for each block. These are located in the most suitable areas for minimal impact for each of the blocks and to the site in general.
C4 – Stormwater Requirements (sum up the Objectives) Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council’s Water Management for Development Policy.	This SofEE complies with the provisions of this objectives and requirements and is dealt with in the Stormwater Management Plan which has been prepared by Technical Projects Consultants dated March 2023 and has been resourced and referenced by the Overland Flow report prepared by Pittwater Data Services dated November 2022. The Stormwater Management Plan prepared by Technical Projects Consultants dated March 2023 complies with Council’s Water Management for Development Policy.

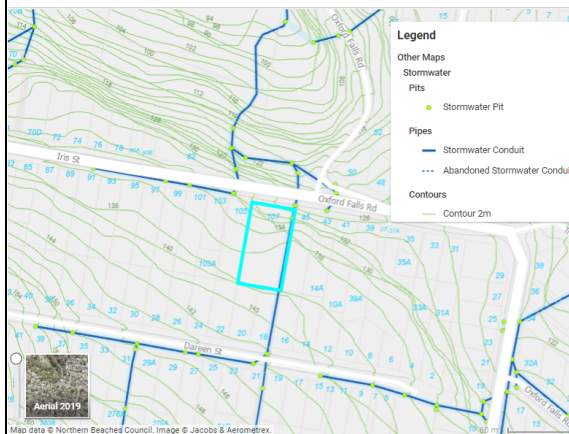
C6 – Building over or adjacent to Constructed Council Drainage Easements

Objectives

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

Requirements

- All development on land containing or adjacent to or proposing to reconstruct/relocate a public drainage system, must comply with Council's Water Management Policy and Building Over or Adjacent to Constructed Council Drainage Systems and Easements technical specifications.
- Any Council drainage line located within the property may require upgrading and easements created in favour of Council over the drainage line at the applicants expense

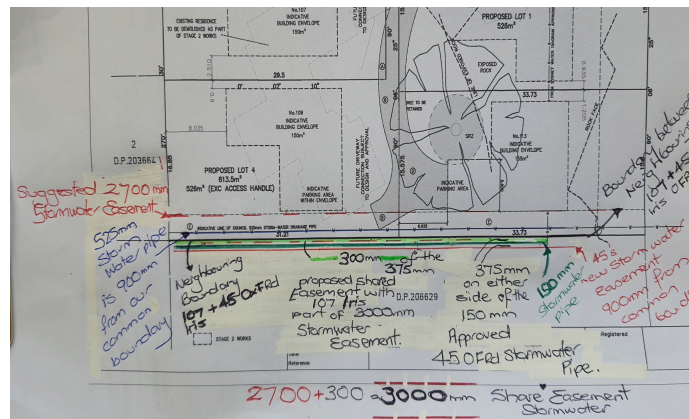


Running along the length of the eastern boundary is a 525mm stormwater pipe and Council have requested a 3 metre easement on this eastern boundary..

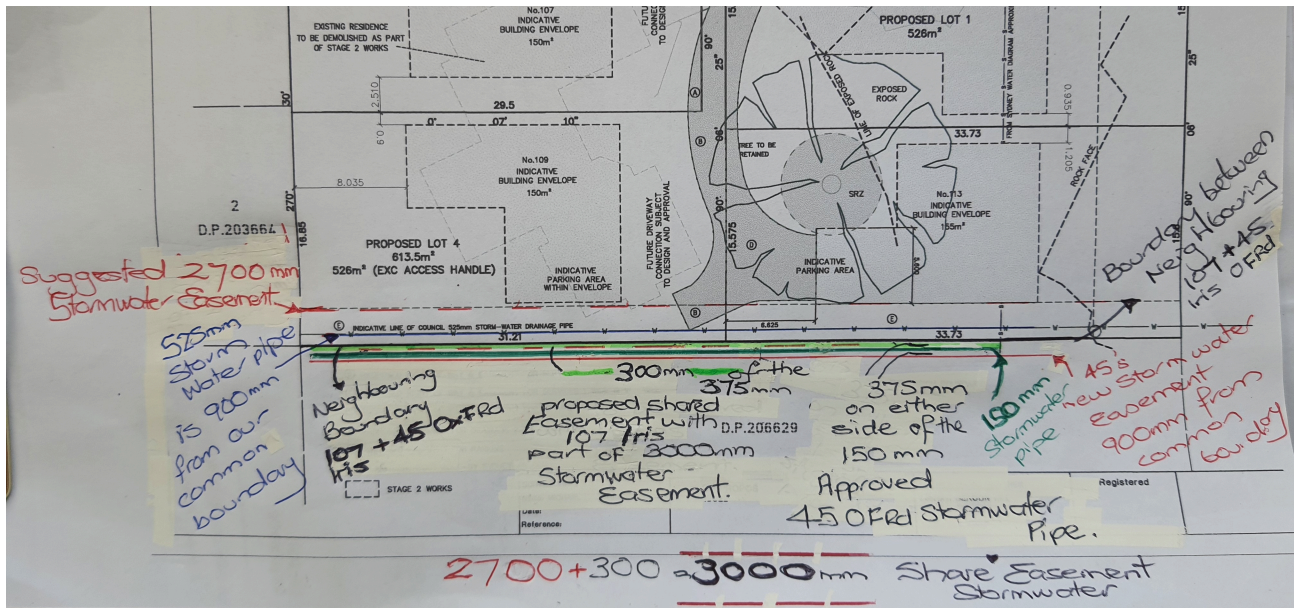
As discussed in detail in B5 the applicants request that Council will allow for the neighbouring property to include 300mm of the easement as they currently have in place a 900mm easement for their approved Stormwater drainage plan which is allowing for 375mm on each side of their drainage 150mm pipe. The 300mm closest to the common boundary is requested to form part of the Applicant's 3000mm easement.

Please Note below : Drawing below outlining this request plus the consent from 45 OFalls Rd neighbouring property.

The end of the Driveway reverse area goes over the easement on the eastern boundary between Lots 2 & 4 which complies with council regulations and was stated in the Pre DA Meeting feedback as being allowable as long as the driveway is constructed of concrete.



C6. Request to share 300mm of the 3000mm Stormwater Easement with consenting neighbours.



From: **Jiri Albrecht** jiri4848albrecht@gmail.com
 Subject: **Fwd: Stormwater Easement sharing**
 Date: **31 March 2023 at 8:58 am**
 To: **Maree Jaloussis Hayes** mareehayes33@gmail.com

Dear Council

Marcela and I agree to Maree and Michael Hayes using 300mm of our boundary side to reduce their Stormwater Easement from 3000 to 2700mm.

This will apply for the length of both our lots being 64mts in total.

We consent to this and will have a formal Legal agreement drawn up should Council agree to this in the Hayes' Development Application. We consent to this as long as it does not affect us having to resubmit or withdraw our existing DA. And does not affect existing drain and water pipes.

Regards

Jiri and Marcela Albrecht

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.

Requirements

1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.
2. Excavation and landfill works must not result in any adverse impact on adjoining land.
3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.
4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.
5. Rehabilitation and revegetation techniques shall be applied to the fill.
6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.

The only excavation on the block for subdivision will be of a small portion of rock where the proposed new driveway will travel directly up the block and not curve as it does currently. It is approximately 2mt x 3.5mts of rock and this excavated portion will be used around the property and if necessary to form the under bedding of the driveway. Plus some of the existing concrete which will also be used in the driveway construction.

All other council requirements will be complied with.

D1 – Landscaped Open Space and Bushland Setting Min 40% required (min 2m in width) 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. Requirements 1. The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and <u>Bushland</u> Setting. 2. To measure the area of landscaped open space: a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation; b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation; c) Landscaped open space must be at ground level (finished); and d) The minimum soil depth of land that can be included as landscaped open space is 1 metre. 3. Where land is shown on DCP Map Landscaped Open Space and <u>Bushland</u> Setting as	Each allotment has the capacity to meet Council’s minimum landscaped open space area of 40% as a requirement on the DCP map. The rest of the objectives and requirements will be met as part of the building plans submission at a later date. n/a
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“<u>Bushland</u> Setting”, a minimum of 50% of the site area must remain undisturbed by development and is to be kept as natural <u>bushland</u> or landscaped with locally indigenous species.	
E1 – Private Property Tree Management Objectives • To protect and enhance the urban forest of the Northern Beaches. • To effectively manage the risks that come with an established urban forest through professional management of trees. • To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction. • To protect, enhance <u>bushland</u> that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities. • To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term. • To protect and enhance the scenic value and character that trees and/or <u>bushland</u> vegetation provide. Arborist report to be provided to support development where impacts to trees are presented	The Pre-lodgement Meeting notes requested and Arboricultural Impact report to be provided to support development regarding the Old English Oak tree as it’s a feature of significance. Sydney Arborist, Antony Osborn has prepared a Arboricultural Impact Assessment report dated 30 January, 2023 on how the tree can be managed and protected throughout the process of preparing the blocks for services, driveways and building. The English Oak Tree will be preserved and protected as a feature of the site and locality. All other trees were not of significance and mostly non-native trees, shrubs and privet which have been removed for further surveying purposes. The Oak tree forms part of the open landscape providing the strong connection with nature to the property. Wherever possible the applicants are keen to add the natural and native landscaping of the site. This is also part of our request for 300mm from the neighbours to have less encroachment on the tree structural root zone.

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.

Rock faces and escarpments on the Iris street frontage will be preserved as part of this Sub Division plan.

It should be noted that part of the escarpment on Lot 2 has been cut previously and when discussed with the Pre-lodgement Manager, Daniel Milliken agreed that this could be tidied as part of any future build (this would be dealt with in the future building plans).

The rock outcrop along the mid section of the site is dealt with as part of the Aboriginal Assessment Due Diligence report prepared by Oliver Brown. However generally feedback prior has been that there are no aboriginal engravings or areas of interests as stated by David Hoare who have sited and worked with the aboriginal heritage office and key contacts within.

An Arboricultural Impact Assessment report has been supplied by Sydney Arborist Antony Osborn dated 30 January 2023 regarding the English Oak tree, as requested by council following our Pre-DA Meeting.

E10 – Landslip Risk

Identified on map as Area A & Area B.

Nature of works to excavate >2m requires the submission

LANDSLIP RISK CLASS			
Landslip Risk Class	Topographic Position	Slope Angle (degrees)	Geology
A	Plateau areas, ridge crests, major spur slopes, footslope areas; and beach, foredune and alluvial flats.	< 5	At higher elevations, generally shallow residual soils developed on Hawkesbury Sandstone. Hawkesbury Sandstone exposed in occasional outcrops and in near vertical road cuts. Some areas of fill. At lower elevations, unconsolidated marine and alluvial sands often overlying deep marine sediments.
B	Flanking slopes.	5 to 25	Colluvium and residual soils, possibly deeper than in Class A, developed on Hawkesbury Sandstone. Minor detached sandstone blocks, occasional exposures of sandstone in cliffs and road cuts. Occasional fill areas associated with playing fields, roads and some developments

of a Geotechnical Hazard Assessment.

The site is identified as Area A & B on Council's Land Slip Risk Map.

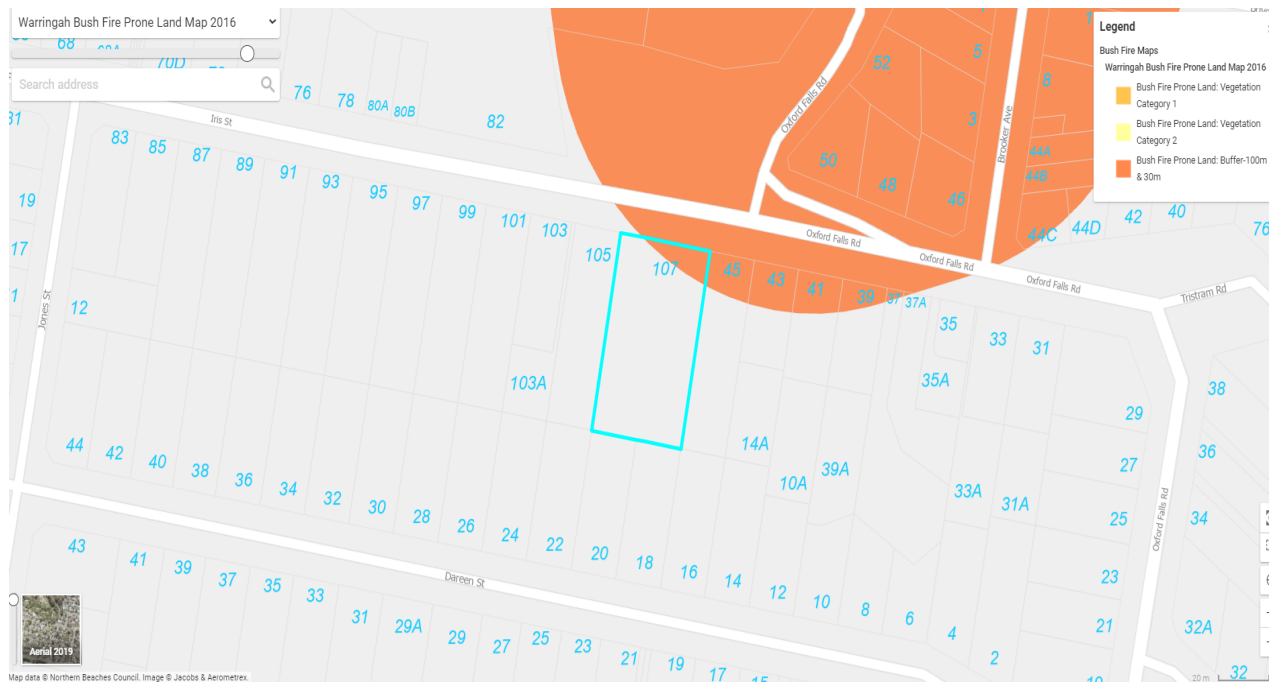
The proposed allotments are capable of accommodating dwelling that minimise the hazard risk.

Land Slip Risk Area B requires preliminary site investigation as such a Geotechnical Investigation has been prepared by Geotechnical Consultants Australia dated 3 December 2019 and is attached to this submission.

The report provides recommendations in relation to geotechnical inspections to be observed during the construction works. The proposal therefore satisfies the provisions of this clause.

This is also reference earlier in section under the heading of Warringah LEP 2011- Land Slip Risk Area in the Statutory Framework section.

9. Northern Beaches Bush Fire Prone Map



RESPONSE:

- The subject site falls marginally in the Northern Beaches Bush Fire Prone Map.
- A small portion of the site at the north/eastern corner (in orange) is classified as Bush fire prone land Buffer – 100m & 30m.
- A Bush Fire Report has been conducted by Bushfire Planning Consultants dated 12 October 2023.
- This north eastern corner of the site is rated BAL- 12.5
- The remainder of the site is rated BAL- LOW.
- Future dwelling construction will occur in the BAL- LOW zone.

10. Conclusion

This Statement of Environmental Effects has been prepared in regards to the proposed development application at 107 Iris Street, Beacon Hill for a Torrens Title subdivision of one (1) lot into four (4) lots and driveway vehicular accessway with allowance for forward in, forward out access.

This document has addressed relevant statutory planning instruments, including the Northern Beaches Council's planning controls; Warringah LEP 2011 and DCP 2011. It is considered that the proposal satisfies these standards with one variation request.

The application has addressed the variation to the R2 zoning **Clause 4.1 Minimum Lot Size** in the **Clause 4.6 – Variation Request** submission included at the end of this document as Appendix 1 and can also be found as an independent file as part of the Development Application.

It is also requested of council that due to the various constraints that have been complied to by the applicants as per Councils' Pre-DA Notes, **that Council consider allowing 300mm** to come from the neighbouring property as a shared easement making up the total of 3000mm in order to have less impact upon the Old English Oak tree and thus house a modest 5.6 size garage.

The rear setbacks are affected by having **rear entry driveways and this is discussed in B9 and B10** where **it is requested that Council consider and acknowledge the requirement of impacts** on this standard. In contrast and as a result there are no impacts on the front boundary at all.

It is considered that other than the above the proposed subdivision satisfies the objectives of the development standards. The proposed subdivision lots will maintain protection of the residential character that are consistent with the pattern, size and configuration of existing lots in the locality and would be in the public interest, along with local housing strategy (NBLHS) in meeting the demand for suitable dwelling lots in the Northern Beaches local government area.

In conclusion the applicants request Development consent under the authority of the Northern Beaches Council.

....

Appendix 1 – Variation Request

Clause 4.6 - Minimum Lot Size (4.1)

(as part of the Statement of the Environmental Effects)

For

**107 Iris Street
Beacon Hill NSW 2100**

Date:

31 March 2023

PROJECT MANAGER/APPLICANT

Maree Jaloussis

CLIENTS

Maree Jaloussis Hayes and Michael Hayes

PROPOSAL DESCRIPTION

Proposed Torrens Title Subdivision of 1 lot into 4 lots.

PROPOSAL REFERENCE NUMBER from online application

PAN 317685

PRIOR PRE-DA MEETING

PLM 2022/0204

LOT Plan Number: 1

8 / DP19022

Council:

Northern Beaches Council

Report Prepared by

Maree Jaloussis (Certificate in Prop Dev, Property Manager)

Kathryn Silk (Registered Architect)

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1. Introduction

This written submission accompanies the Statement of Environmental Effects and is pursuant to Warringah Local Environmental Plan 2011 regarding Clauses 4.1 Minimum subdivision lot size and Clause 4.6 Exception to development standards.

This written submission requests that a variation be granted to the minimum lot size subdivision at 107 Iris Street, Beacon Hill NSW 2100.

The request is to allow the sub division of one (1) lot into four (4) lots where 3 lots are approximately 12% less than the R2 zoning standard of 600 m² thus enabling four (4) viable dwelling lots that are in line with the standard rectangular sizes down in the eastern end of the road.

This submission will address the individual clauses of development standards of 4.6 and 4.1, the Northern Beaches Pre-Lodgement Meeting Notes and Northern Beaches Local Housing Strategy.

2. Warringah Local Environmental Plan 2011 (WLEP 2011)

WLEP 2011

CLAUSE 4.6 Exceptions to development standards (in italics)

“Clause 4.6 enables the applicant to request a variation to the applicable Development Standards under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.” Excerpt from **Northern Beaches Council pre-lodgement meeting minutes 8/11/22.**

The objectives of Clause 4.6 are as follows:

- (1) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and 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.*

Applicable standard: WLEP 2011 -CLAUSE 4.1 Minimum subdivision lot size.

Please refer to discussion in Section 3.

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

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Please accept this document as the written request.

Justification is contained in Section 3 below.

(4) Development consent must not be granted for development that contravenes a development standard unless—

- (a) the consent authority is satisfied that—*
 - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be 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, and*
 - (b) the concurrence of the Planning Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

Please refer to Section 3 below.

(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.

The subject site is zoned R2 and so is not applicable.

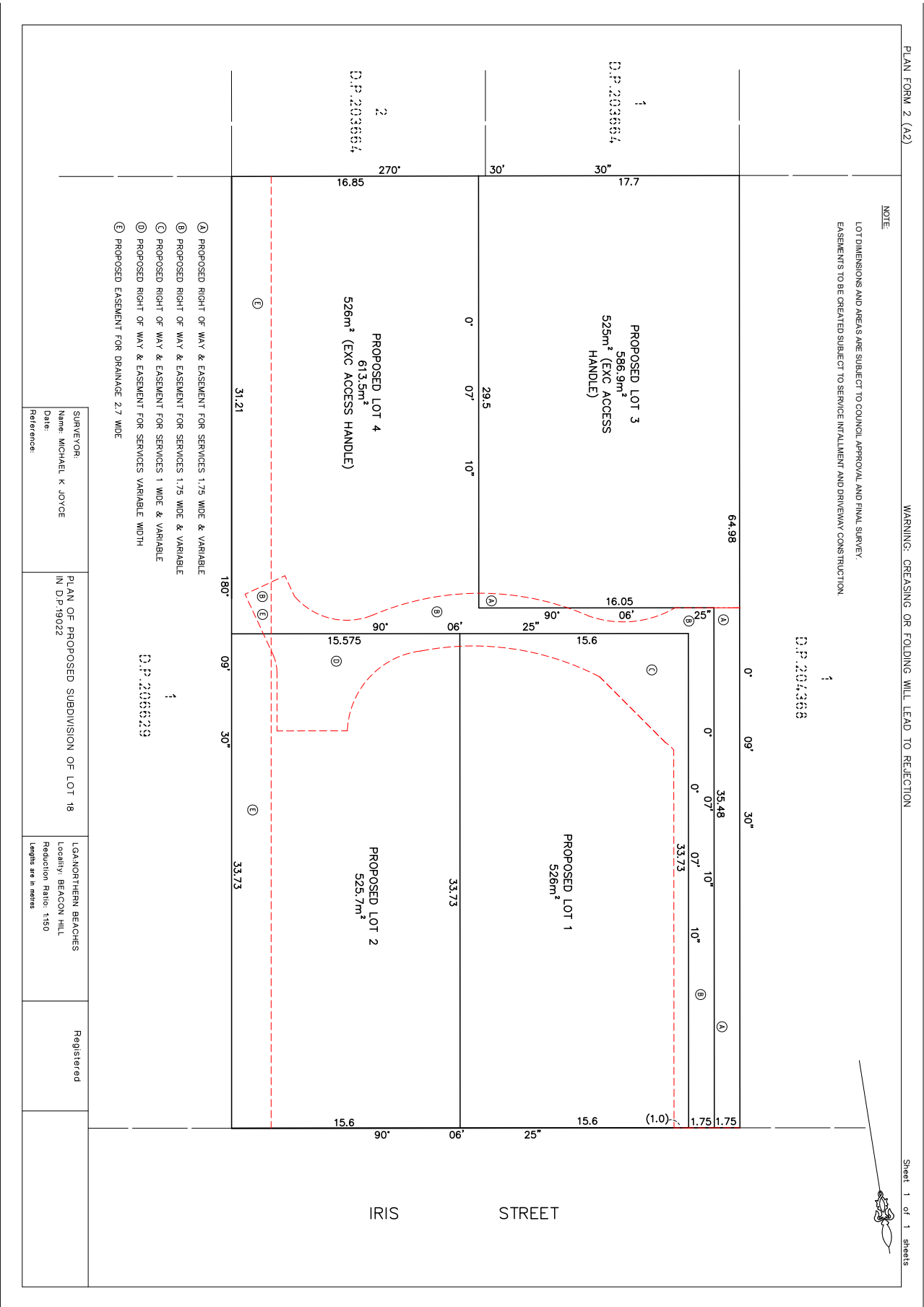
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be 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) clause 6.7, to the extent that it applies to land identified on the [Key Sites Map](#) as Site F or Site G.

These clauses do not apply to the subject site subdivision.

- (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.

The variation from the standard is not height related and so not applicable.

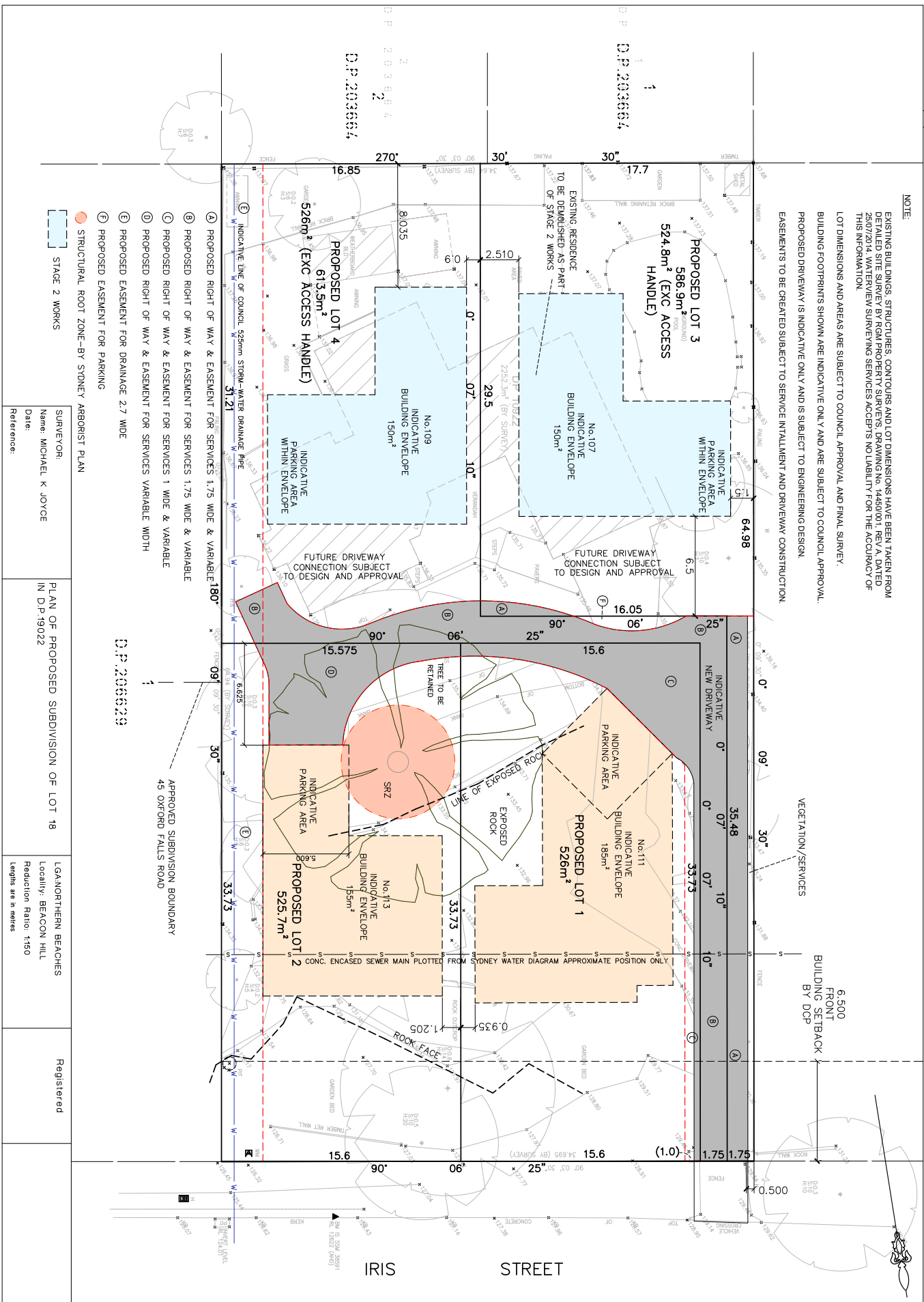
3. Sub Division Plan



EXISTING BUILDINGS, STRUCTURES, CONTOURS AND LOT DIMENSIONS HAVE BEEN TAKEN FROM
DETAILED SITE SURVEY BY RGM PROPERTY SURVEYS, DRAWING NO. 144501001, REV. A, DATED
25/07/2014. WATERVIEW SURVEYING SERVICES ACCEPTS NO LIABILITY FOR THE ACCURACY OF
THIS INFORMATION.

BUILDING FOOTPRINTS SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO COUNCIL APPROVAL

EASEMENTS TO BE CREATED SUBJECT TO SERVICE INTALLMENT AND DRIVEWAY CONSTRUCTION



4. Subject Site & WLEP 2011 - R2 Zoning

4.1 Subject Site Area And Subdivision Plan

1. The subject site is located at 107 Iris Street, Beacon Hill, NSW 2100.
2. The site has a large site area of 2,254.8 m².
3. The proposal is to subdivide the site into four (4) lots as per the subdivision plan...
4. The subdivision is proposed to occur in two stages.
5. The subdivision of Lots 1 and 2 (facing Iris Street), would comprise of Stage 1.
6. Stage 2 would comprise of the subdivision of Lots 3 and 4 at the rear, southern part of the site to occur.
This would enable the existing house to remain, whilst allowing for future planning capacity.

4.2 WLEP 2011 - R2 Zoning

1. The subject site at 107 Iris Street, Beacon Hill, NSW 2100 is zoned as R2 Low density residential.
2. The Minimum lot area for this zoning is 600 m².
3. To enable the site to be subdivided into four viable lots the minimum lot size has been reduced from the zoning standard.
4. The site area of each lot excludes any access handles and easements.
5. The lot sizes follows including variation from the standard:

Lot 1:	526 m ²	(12.3% below the standard of 600 m ²)
Lot 2:	525.7 m ²	(12.4% below the standard of 600 m ²))
Lot 3:	525 m ²	(12.5% below the standard of 600 m ²)
Lot 4:	526 m ²	(12.3% above the standard of 600 m ²)

4.3. WLEP 2011 -CLAUSE 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,

The existing site is large in area for the surrounding locality.

It is considered that the subdivision proposal would result in lots that are more consistent with the pattern, size and configurations of the existing locality along Iris Street, Beacon Hill and surrounds.

It should also be noted that there is a variety of lot sizes in the area that are well below the 600 m² minimum standard.

Many of these lot sizes range from under 300 to under 600 m2 as listed below:

ADDRESS	Lot	DP	SITE AREA m ²
80A Iris Street BEACON HILL NSW 2100	31	1067494	279.20
80B Iris Street BEACON HILL NSW 2100	32	1067494	279.30
51A Iris Street FRENCHS FOREST NSW 2086	2	1018589	422.50
51 Iris Street FRENCHS FOREST NSW 2086	1	1018589	670.90
49 Iris Street FRENCHS FOREST NSW 2086	1	862415	380.60
31 Iris Street FRENCHS FOREST NSW 2086	100	857954	488.40
27 Iris Street FRENCHS FOREST NSW 2086	1	848217	383.00
27A Iris Street FRENCHS FOREST NSW 2086	2	848217	434.00
25 Iris Street FRENCHS FOREST NSW 2086	1	836660	433.00
44A Oxford Falls Road BEACON HILL NSW 2100	3	862488	317.20
44B Oxford Falls Road BEACON HILL NSW 2100	2	862488	298.20
44C Oxford Falls Road BEACON HILL NSW 2100	1	862488	339.80
44D Oxford Falls Road BEACON HILL NSW 2100	4	862488	262.50
31 Oxford Falls Road BEACON HILL NSW 2100	1	661034	520.70
35 Oxford Falls Road BEACON HILL NSW 2100	1	850352	251.90
35 A Oxford Falls Road BEACON HILL NSW 2100	2	850352	382.60

The R2 low-density character would still be maintained with the subdivision pattern of the lots providing for the housing needs of the community in a low-density residential environment within the harmonious landscape settings of the natural environment of Warringah.

The subdivision design allows for all the lots to benefit from a northern aspect and leafy prospect with partial district bush views of the locality.

The Master Plan for the site is proposed that the subdivision would be carried out in two stages. The first stage would comprise of Lots 1 and 2 closest to Iris Street to be finalised and lodged with the Land Registry Services (LRS) first. Stage 1 would include the installation of all services for the whole site being carried out.

Stage 2 would comprise of Lots 3 and 4 and the rear of the site. The staged approach allows the original residence to remain until Stage 2 is enacted. Stage 2 can be implemented at a future date. This would include a Building Proposal being lodged for the rear of the property thus replacing the existing dwelling or part thereof at the rear of the property with two new dwellings.

The subdivision is also in the public interest, as it would importantly provide an increase of available residential sites in this desirable location.

The site would be able to accommodate four (4) dwellings in lieu of one (1) currently. These site lots would aid in fulfilling a demand on the Northern Beaches Council area for dwelling sites.

These dwelling lots are also in close proximity to facilities and services. These include the Northern Beaches Hospital, and future Frenchs Forest town centre (2km), Skyline (900m) and Brookvale shopping and business area (3km) employment hubs, The Forest High School, Beacon Hill Public School, Oxford Falls Grammar, the beaches and recreational areas and is serviced on Iris Street by public transport.

(b) *to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
Not applicable.

(c) *to protect the integrity of land holding patterns in rural localities against fragmentation,*
Not applicable.

(d) *to achieve low intensity of land use in localities of environmental significance,*
Not applicable. The site is not considered to be of environmental significance.

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

A Bushfire Risk Assessment Report has been prepared by Bushfire Planning Consultants dated 12 October 2022.

It is noted within the Report that the block has no concerned hazards nor increased building setback requirements.

(f) *to protect and enhance existing remnant bushland,*
Not applicable. The site does not contain remnant bushland.

(g) *to retain and protect existing significant natural landscape features,*
The existing rock face escarpment at the lower northern part of the site will be retained and preserved.

(h) *to manage biodiversity*

The subdivision proposal has been designed to enable the retention of the large English Oak tree at the middle, north/eastern part of the site. No other significant vegetation exists. The future individual Lot dwelling plans will indicate landscape planting designs adding to the biodiversity of the area. Each allotment will observe Council's minimum landscaped area of 40%.

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

The subdivision proposal will allow for the lots to be connected to a stormwater detention tank and the site's existing stormwater lines, which will be gravity fed to Iris Street.

The subdivision proposal allows for all the lots to be connected to existing sewer mains on the site.

(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.*

Not applicable.

(3A) *For the purposes of sub clause (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.*

The proposed Lot sizes are independent of any right of carriageway, access way or other area that provides for vehicle access.

(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 2021](#).*

Not applicable.

5. *Northern Beaches Council Pre-Lodgement Meeting*

Meeting Date: 8 November 2022

Application No: PLM 2022/0204

Property Address: 107 Iris Street and 45 Oxford Falls Road BEACON HILL

Attendees for Council: Daniel Milliken, Penny Wood, Aarti Kaila, Kevin Fernando

Attendees for applicant: David Hoare, Maree Jaloussis Hayes (owner of 107 Iris Street), Jiri Albrecht (Owner of 45 Oxford Falls Road), Michael Joyce, Michael Koreke, Stephen Wylie.

A pre-lodgement meeting was held on site on the 8th November 2022, with representatives of Northern Beaches Council and representatives for the owners of neighbouring properties 107 Iris Street, Beacon Hill and 45 Oxford Falls Road.

The following are some excerpts from the meeting relating to the lot size variation request relating to the subject site.

NBC Pre-lodgement Meeting Notes

Clause 4.6 – Exceptions to Development Standards (page 5)

“Clause 4.6 enables the applicant to request a variation to the applicable Development Standards”

Part 4 – Principal Development Standards

4.1 Minimum subdivision lots size.

“It was discussed on site with the Applicant, Council could support the variation to the proposed undersized lots given the existing subdivision pattern and recently approved subdivision proposals along Iris Street and Oxford Falls Road.

Whilst this would result in four (4) undersized lots, Council could support a four (4) lot subdivision at 107 Iris Street”

“A Clause 4.6 Variation would be required to address the variation to Clause 4.1 Minimum Subdivision lot size under Warringah Local Environmental Plan (WLEP) 2011.”

This Clause 4.6 Variation Request document meets this request.

Specialist Advice

Access: (page 7)

The driveway access council requirements have been applied to the subdivision.

Stormwater: (pages 7-9)

The stormwater council requirements have been applied to the subdivision.

Landscape Comments (pages 9-10)

C1 Subdivision (page 10)

"The proposed Subdivision shall limit impact of the new development to protect the natural environment and topographic features and ensure that any new lot created has sufficient area for landscape amenity."

This Development Application has met this requirement in protecting the Oak tree and rock face.

D1 Landscaped Plans and Bushland Settings (page 10)

The proposed subdivision will comply with the 40% soft landscaping requirements.

Individual landscape plans are not required with this submission and will be submitted when the individual lot dwelling Development Applications are submitted.

E1 Preservation of Trees or Bushland Vegetation (page 10)

The existing Oak tree is to be retained as a landscape feature.

An Arboricultural impact Assessment is required (page 10)

Please refer to the Arboricultural Impact Assessment Report in the Additional Documents.

E6 Retaining unique environmental features (page 10)

The site contains an expansive rock face that shall be retained. (page 10)

The existing rock face facing Iris Street will be retained and preserved.

Concluding Comments – (Page 12)

"Council recommends that a four (4) lot subdivision of 107 Iris Street would result in the most desirable planning outcome for the future of the site and would be in keeping with the surrounding character and subdivision pattern of Iris Street and Oxford Falls Road"

This Development Application meets with the council's most desirable planning outcome.

6. Northern Beaches Local Housing Strategy (LHS)

Executive Summary (excerpt in italics)

Introduction

This Northern Beaches Local Housing Strategy (LHS) looks at the mix of housing in the Northern Beaches Local Government Area (LGA) today, and at the kind of housing that will be needed in the future.

New housing will be focused in and near centres where people can easily access public transport or walk or cycle to shops and services.

The Northern Beaches will be home to a population of 288,431 people in 2036, an increase of 22,963 people from the 2016 Census. We need to plan for about 12,000 new dwellings by 2036.

Priority 1: Housing targets Meet District Plan and 6-10 year housing target

When we look at what can be achieved under current planning controls, and take into consideration the potential of the Frenchs Forest precinct (which is being planned by the NSW Government), we estimate there is capacity for a further 13,600 dwellings. However, we have also done a general analysis of what is financially feasible; this analysis finds that existing capacity is realistically around 11,700 dwellings. This equates to a deficit of around 275 dwellings, which suggests a need to plan for additional capacity for housing in the LGA in the medium to longer term.

This equates to a deficit of around 275 dwellings, which suggests a need to plan for additional capacity for housing in the LGA in the medium to longer term.

Response:

The Northern Beaches Local Housing Strategy (LHS) identifies the need for an increase in the amount of dwellings required on the Northern Beaches in proximity to the Frenchs Forest area. The subject site is two kilometres in distance from the future Frenchs Forest Precinct and three kilometres from the Brookvale precinct. The site would be able to accommodate four (4) dwellings in lieu of one (1) currently.

These dwelling lots are in close proximity to facilities and services. These include the Northern Beaches Hospital, and future Frenchs Forest town centre (2km), Skyline (900mts) and Brookvale shopping and business area (3km) employment hubs, the beaches and recreational areas and public transport services.

There is a need for smaller, more affordable blocks, which this development provides.

These proposed subdivided site lots would aid in fulfilling a demand on the Northern Beaches Council area for new dwelling sites.

7. Conclusion

This written submission in accordance with Clause 4.6 Exception to development standards, pursuant to Warringah Local Environmental Plan 2011 regarding Clauses 4.1 Minimum Subdivision Lot size requests that a variation be granted to the minimum lot size subdivision at 107 Iris Street, Beacon Hill, NSW 2100.

The request is to allow the sub division of one (1) lot into four (4) Torrens Title lots that are less than the R2 zoning standard of 600 m² to enable four (4) viable dwelling lots in line with smaller lots in the street.

The submission has addressed the individual clauses of development standards of 4.1 and 4.6, the Northern Beaches Local Housing Strategy and Northern Beaches Pre-lodgement meeting minutes.

It is considered that this submission demonstrates that an exception to the R2 zoning standard be applied as it would still achieve the objectives of the development standard.

The proposed subdivision lots will maintain in protection of the residential character that are consistent with the pattern, size and configuration of existing lots in the locality and would be in the public interest due to the demand for suitable dwelling lots in close proximity to public amenities in the Northern Beaches local government area.

The applicants trust that it has been demonstrated at approximately 525mts each lot meets the current precedence and the goals of the Council, NNLHS and requests Development consent be granted under the authority of the Northern Beaches Council.

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