



# STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application for a dual occupancy development.

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## **On Behalf Of**

Aform Architecture

## **Prepared By**

Planwave

## **Project Site**

24 Epacris Avenue  
Forestville



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# 1. Introduction

## 1.1. Background

This Statement of Environmental Effects (SEE) has been prepared by Planwave Pty Ltd. It is submitted to Northern Beaches Council (NBC) in support of a Development Application (DA) for the demolition of existing structures, removal of trees, construction of a dual occupancy and Torrens title subdivision into two lots at 24 Epacris Avenue, Forestville (the subject site).

This SEE describes the site, its context, the proposed development and provides an assessment of the proposal against the matters for consideration under Section 4.15(1) of the Environmental Planning & Assessment (EP&A) Act 1979.

This SEE should be read in conjunction with the accompanying documentation appended at **Appendix A** to **Appendix L**.

## 1.2. Structure of this report

This SEE is structured as follows:

- **Section 1:** Introduction – introduce the proposal, the subject site and this DA.
- **Section 2:** Site and context analysis – provides an analysis of the site and its context.
- **Section 3:** The proposal – provides a detailed overview of the proposed development.
- **Section 4:** Environmental assessment – provides the environmental assessment of the proposal in accordance with the relevant legislation, planning controls and policies.
- **Section 5:** Conclusion.

Plans, specialist reports and other documentation are provided as part of the Appendices to this report.

### 1.3. Applicable legislation and controls

The following legislation, planning instruments and controls are applicable to the proposal.

#### Environmental Planning Instruments

- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Sustainable Buildings) 2022,
- Warringah Local Environmental Plan (WLEP) 2011.

#### Draft Environmental Planning Instruments

- Nil

#### Development Control Plans

- Low-Rise Housing Diversity Design Guide (LRHDDG), and
- Warringah Development Control Plan (WDCP) 2011.

The above legislation, environmental planning instruments, controls and policies are addressed at Section 4 of this SEE.

### 1.4. Relevant Background

Development Application 2025/1122 was lodged on 13 August 2025. On 19 August 2025, Council issued a letter stating that the application could not be accepted due to inadequate or insufficient information, specifically the absence of an Arboricultural Impact Assessment Report on the basis that the proposal involves the removal of native trees and/or may impact native trees on the site.

Council's duty planner was contacted on the afternoon of 19 August 2025 to discuss this matter. We clarified that all trees on the subject site are less than 5 metres in height, as confirmed in the Survey Plan at **Appendix G** of the SEE. Council's duty planner confirmed that an Arborist Report would not be required on that basis, and requested that the SEE be updated to explain this matter.

We reaffirm that our development application has been made in the approved form as defined under Section 24 of the *EP&A Regulation 2021*.



## 2. Site and Context

### 2.1. The Site

The subject site is legally described as Lot 30 in DP 27447. It occupies an area of approximately 860sqm with a frontage of 18.9m to Arabella Street.

The subject site currently contains a single storey brick house and a single storey rendered building at the rear. The site is relatively flat with a slight slope of approximately 1.4 metres from east to west of the subject site. There are four (4) existing trees on the subject site.

The subject site is situated adjacent to a two-storey brick residence and semi-detached garage to the south-east and a single storey brick dwelling to the north-west. At the north-east, there is a single storey dwelling house with a two storey building at the rear. Directly across the road are two storey residences.

Refer to **Figure 1** to **Figure 3** for an aerial image and photos of the subject site.



Figure 1 Aerial image of the subject site – outlined in white - in its immediate surrounds  
(Source: Landchecker, 2024)





Figure 2 Photo looking north-west at the subject site from Epacris Avenue (Source: Planwave, 2025)



Figure 3 Photo looking at dwelling houses directly opposite the subject site from Epacris Avenue (Source: Planwave, 2025)

## 2.2. Local Context

The subject site is located in a low-density residential suburb to the north of the Forestville Town Centre, on the opposite side of Warringah Road. A pedestrian bridge—equipped with stairs and a lift—provides safe and convenient access between the northern and southern sides.

According to the Town Centre Map within the *State Environmental Planning Policy (Housing) 2021*, the boundaries of the Forestville Town Centre are clearly defined. The extent of the Forestville Town Centre as well as the walking distance between the subject site and the town centre is shown in **Figure 4**.

As can be seen, the subject site is less than 800 metres walking distance from the town centre. Accordingly, the site is considered to be within a “low and mid-rise housing area” as defined in Chapter 6 of the *Housing SEPP*.

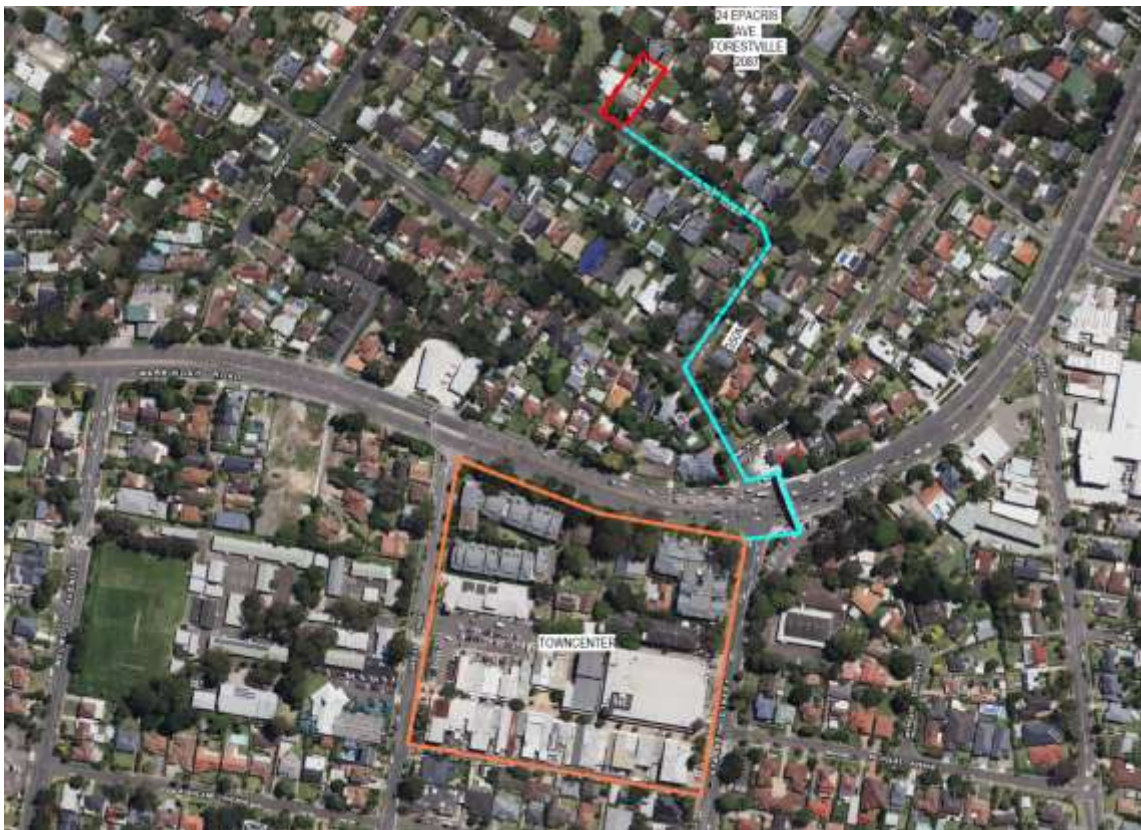


Figure 4 Aerial image showing walking distance from the subject to Forestville Town Centre as outlined in orange (Source: Aform Architecture, 2025)

## **3. The Proposal**

### **3.1. Summary**

The proposed development involves the demolition of existing structures and the construction of a dual occupancy development at the subject site. This new design aims to increase housing supply in a well-located area whilst respecting the surrounding environment.

### **3.2. Building Design**

The proposed development comprises a two-storey dual occupancy with dwellings that have well-considered and functional layouts.

A large entry foyer enhances the sense of arrival. Living areas are generally located on the ground floor, except for a family room on the upper level that provides additional space. Bedrooms are primarily located on the first floor, with one conveniently situated on the ground floor.

The main living area is positioned at the rear of the dwelling, nestled between a central garden and the backyard to maximise natural light and indoor-outdoor connectivity. Unit A includes a front-facing first floor balcony, while Unit B features a rear balcony oriented toward the backyard.

### **3.3. Private Open Space**

Each dwelling has multiple open space areas for the enjoyment of future residents, including:

- a large, north-facing deck and pool directly accessible and level with the internal living room.
- a landscaped rear yard designed to maximise enjoyment of new deep soil planting,
- a first floor balcony overlooking the street (in the case of Unit A) and a first floor balcony facing the backyard (in the case of Unit B); and
- a central garden area fully enclosed on all sides yet open to the sky with unlimited depth for deep soil planting.



### 3.4. Earthworks

Earthworks are primarily confined to excavation within the building footprint, with the exception of works associated with the driveway, absorption trench and swimming pool. At ground floor level, the earthworks involve minimal cutting and predominantly filling, with fill depths reaching up to 870mm.

These earthworks enables the ground floor to align with the existing ground level at the front, facilitating level pedestrian and vehicular access to the new dwellings. The depth of fill increases towards the western and north-western portions of the site, consistent with the site's natural topography.

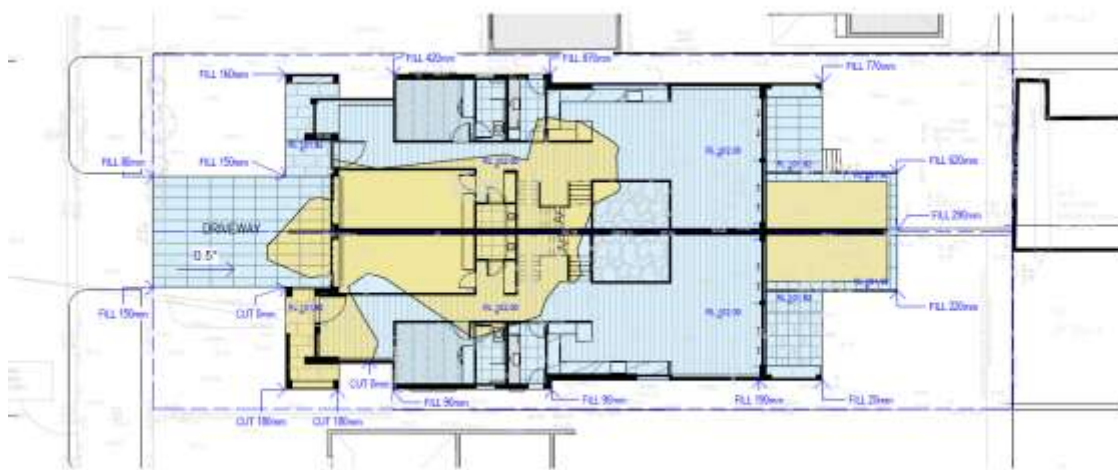


Figure 5 Proposed cut and fill at the subject site to accommodate the proposed development (Source: Aform Architecture, 2025)

### 3.5. Façade and materiality

The proposed development features a harmonious blend of high-quality materials and finishes, creating a contemporary aesthetic that complements the surrounding environment. A shale grey Colorbond roof provides a modern profile, while snowy mountain fibre cement cladding and weatherboard in the same tone offer a clean façade. Snowy mountain wall paint enhances the light, airy feel.

Frameless glass balustrades are used throughout to enhance openness and maximise natural light. Nordic oak cladding and battens on the garage add warmth and texture, complemented by Hamptons-style cedar-look timber battens elsewhere on the façade. The light brickwork offers a timeless, understated base, while breezeblocks provide a decorative and functional element.



Figure 6 Perspective drawing of the front façade of the proposed development (Source: Aform Architecture, 2025)

### 3.6. Trees and Vegetation

A total of 4 trees are located within the front setback of the subject site, none of which are significant. This proposal only seeks to remove 3 trees as the siting of the development means they cannot be retained. The other two trees will be retained and incorporated into the new landscape design.

*Note – All four (4) trees on the subject site are less than 5 metres in height. Confirmation of the tree heights is provided in the Survey Plan at **Appendix G**. Accordingly, an Arborist Report is not required as part of this application.*

The proposed development features generous landscaping in the front yard and rear of the subject site. Landscaped setbacks are also provided. At least 4 medium sizes trees will be planted at the site, increasing the site's canopy cover by 160qm and contributing to a greener, more sustainable outcome - see **Appendix E** for details.

The development defines the front property boundary with abundant soft landscaping that enhances the streetscape character.

### 3.7. Stormwater

Stormwater will be directed to an on-site absorption trench located in the backyard, below 1m depth of ground cover. In addition to this, flows will be collected in a rainwater tank for reuse on-site, supporting water conservation. The absorption

trench functions as a slow-release system. It is important to note that a stormwater drainage easement through adjoining properties was sought but could not be obtained – refer to statutory declaration provided in **Appendix J** and easement rejection letter at **Appendix L**.

### 3.8. Traffic, access, and parking

Each dwelling includes a single garage integrated into the façade. The garages are co-located and share a single driveway, in order to maximise deep soil area within the front setback. The driveway is also capable of supporting the parking of a vehicle for each residence.

### 3.9. Subdivision

The proposed development will result in the subdivision of the dual occupancy into two Torrens title allotments. Each dwelling will be located on its own allotment.

### 3.10. Numerical Overview

A numerical summary of the proposed development is provided at **Table 1** below.

Table 1 Numerical Overview

Component	Detail
Floor Area	554m <sup>2</sup>
Maximum Building Height	RL 110.29
Bedrooms	5 bedrooms per dwelling
Car Parking Spaces	2 parking spaces per dwelling
Trees	Existing - 4 Proposed – 5
Canopy Coverage	Existing - 57sqm (6.6% of the site area) Proposed – 217sqm (25% of the site area)



## **4. Planning Assessment**

### **4.1. Environmental Planning and Assessment Act 1979**

This Section provides an environmental assessment of the proposed development in accordance with the relevant Matters for Consideration under Section 4.15(1) of the EP&A Act.

### **4.2. Environmental Planning Instruments**

The following Environmental Planning Instruments are applicable to the proposed development:

- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Sustainable Buildings) 2022,
- Warringah Local Environmental Plan (WLEP) 2011.

The above listed environmental planning instruments are addressed in Section 4.2.1 to 4.2.4 of this SEE. In summary, the proposed development is considered satisfactory against the provisions of these instruments.

#### **4.2.1. State Environmental Planning Policy (Resilience and Hazards) 2021**

Section 4.6 of the Resilience and Hazards SEPP requires the consent authority to consider the below matters before it can grant consent for the carrying out of any development –

- 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.

In this case, seeing as the subject site is currently a residential premises, and the current use is not contaminating, it is considered that the site is suitable for the proposed residential development.

#### 4.2.2. State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX development means the development that involves the erection, but not the relocation, of a BASIX building. A BASIX building means a building that contains at least 1 dwelling. A BASIX Certificate accompanies this SEE at **Appendix I**.

#### 4.2.3. State Environmental Planning Policy (Housing) 2021

Chapter 6 applies to the development of low and mid-rise housing in areas that are well located. The subject site falls within such an area. The relevant provisions of the *Housing SEPP* have been addressed in the table below.

Table 2 Relevant provisions of Housing SEPP 2011

Provision	Details	Compliance
<b>Part 1 Preliminary</b>		
<b>164 - Land to which chapter applies</b>	<p>(1) This chapter applies to the whole of the State, other than the following—</p> <p>(a) bush fire prone land,</p> <p>(b) land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests area within the meaning of <a href="#">State Environmental Planning Policy (Resilience and Hazards) 2021</a>, Chapter 2,</p> <p>(c) land to which Chapter 5 applies,</p> <p>(d) land that is a heritage item or on which a heritage item is located,</p>	<p><b>Not Applicable.</b></p> <p>The site is not bushfire prone.</p> <p><b>Not Applicable.</b></p> <p>The site is not land identified as a coastal vulnerability area or a coastal wetlands and littoral rainforests.</p> <p><b>Not Applicable.</b></p> <p>Chapter 5 applies to Transport Oriented Development, which does not apply to the subject site.</p> <p><b>Not Applicable.</b></p> <p>The subject site is not listed</p>

Provision	Details	Compliance
		as a heritage item.
	<p>(e) the following local government areas—</p> <p>(i) Bathurst Regional,</p> <p>(ii) City of Blue Mountains,</p> <p>(iii) City of Hawkesbury,</p> <p>(iv) Wollondilly,</p>	<p><b>Not Applicable.</b></p> <p>The subject site is not in any of these local government areas.</p>
	<p>(f) flood prone land in the Georges River Catchment and Hawkesbury-Nepean Catchment under <a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021</a>, Chapter 6,</p>	<p><b>Not Applicable.</b></p> <p>The subject site is not located in the Georges River Catchment or Hawkesbury-Nepean Catchment.</p>
	<p>(g) land in a flood planning area in the following local government areas—</p> <p>(i) Armidale Regional,</p> <p>(ii) Ballina,</p> <p>(iii) Bellingen,</p> <p>(iv) Byron,</p> <p>(v) City of Cessnock,</p> <p>(vi) Clarence Valley,</p> <p>(vii) City of Coffs Harbour,</p> <p>(viii) Dungog,</p> <p>(ix) Goulburn Mulwaree,</p> <p>(x) Kempsey,</p>	<p><b>Not Applicable.</b></p> <p>The subject site is not in any of these local government areas.</p>

Provision	Details	Compliance
	<ul style="list-style-type: none"> <li>(xi) Kyogle,</li> <li>(xii) City of Lismore,</li> <li>(xiii) City of Maitland,</li> <li>(xiv) Nambucca Valley,</li> <li>(xv) City of Newcastle,</li> <li>(xvi) Port Stephens,</li> <li>(xvii) Queanbeyan-Palerang Regional,</li> <li>(xviii) Richmond Valley,</li> <li>(xix) City of Shoalhaven,</li> <li>(xx) Singleton,</li> <li>(xxi) Tweed,</li> <li>(xxii) Upper Hunter Shire,</li> <li>(xxiii) Walcha,</li> </ul>	
	(h) land in an ANEF contour or ANEC contour of 20 or greater,	<p><b>Not Applicable.</b></p> <p>The subject site is not on land in an ANEF contour or ANEC contour of 20 or greater.</p>
	(i) land within 200m of a relevant pipeline within the meaning of <a href="#">State Environmental Planning Policy (Transport and Infrastructure) 2021</a> , section 2.77,	<p><b>Not Applicable.</b></p> <p>The subject site is not on land within 200m of a relevant pipeline.</p>
	(j) land identified as “Deferred Transport Oriented Development Areas” on the <a href="#">Deferred Transport Oriented Development Areas Map</a> ,	<p><b>Not Applicable.</b></p> <p>The subject site is not land identified as “Deferred Transport Oriented Development Areas”</p>

Provision	Details	Compliance
	<p>(k) land within 800m of a public entrance to a railway, metro or light rail station listed in Schedule 12.</p> <p>(2) This chapter does not apply to land identified as an “Accelerated TOD Precinct” on the <a href="#">Accelerated Transport Oriented Development Precincts Rezoning Areas Map</a>.</p>	<p><b>Not Applicable.</b></p> <p>The subject site is not within 800m of a railway, metro or light rail station listed in Schedule 12.</p> <p><b>Not Applicable.</b></p> <p>The subject site is not on land identified as an “Accelerated TOD Precinct”.</p>
<b>165 Non-discretionary development standards</b>	Sections 168, 169, 172, 173, 179, and 180 identify non-discretionary development standards for the Act, section 4.15(2).	<b>Noted.</b>
<b>Part 2 Dual Occupancies and Semi-Detached Dwellings</b>		
<b>Division 1 Preliminary</b>		
<b>166 Development permitted with development consent</b>	Development for the purposes of dual occupancies or semi-detached dwellings is permitted with development consent on land to which this chapter applies in Zone R2 Low Density Residential.	<p><b>Yes.</b></p> <p>The proposal is made permissible by virtue of this Section of the Housing SEPP.</p>
<b>167 Landscaping – Dual Occupancies</b>	<p>(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density</p>	<p><b>Yes.</b></p> <p>The development is for the purpose of a dual occupancy in a low and mid-rise housing area.</p> <p>Notably, the site is zoned R2 and is located less than 800m walking distance from an LMR</p>

Provision	Details	Compliance
	Residential,  (d) Zone R4 High Density Residential.	Centre.
	(2) Before granting development consent to development to which this section applies, the consent authority must consider the <i>Tree Canopy Guide for Low and Mid Rise Housing</i> , published by the Department in February 2025.	<b>Yes.</b>  The minimum required deep soil area is 25% of the site area. For a site area of 860 sqm, this equates to 215 sqm. The proposal includes 223.4sqm of deep soil, exceeding the requirement.  Also, the proposal will provide a minimum tree canopy of 25% and tree planting rate of 1 medium tree in the deep soil area for every 225sqm.
<b>Division 2 Non-discretionary development standards</b>		
<b>168 Non-discretionary development standards – dual occupancies</b>	(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—  (a) Zone R1 General Residential,  (b) Zone R2 Low Density Residential,  (c) Zone R3 Medium Density Residential,  (d) Zone R4 High Density Residential.	<b>Yes.</b>  The subject site is zoned R2 and is in a low and mid-rise housing area.
	(2) The following non-discretionary development standards apply—  (a) a minimum lot size of 450m <sup>2</sup> ,  (b) a minimum lot width at the front building line of 12m,	<b>Yes.</b>  The subject site has a minimum lot size of approximately 860sqm.  The site has a minimum width



Provision	Details	Compliance
	<p>(c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 1 car parking space per dwelling,</p> <p>(d) a maximum floor space ratio of 0.65:1,</p> <p>(e) a maximum building height of 9.5m.</p>	<p>of 12m at the front building line.</p> <p>The proposal provides for a minimum of 2 car parking spaces per dwelling, thereby satisfying the minimum parking rate for dwelling houses in WDCP.</p> <p>A maximum floor space ratio of 0.64:1 is proposed. The proposed development has a maximum building height of less than 9.5m.</p>
<b>169 Non-discretionary development standards – subdivision for dual occupancies</b>	<p>(1) This section applies to development involving subdivision for the purposes of dual occupancies on land in a low and mid rise housing area in the following zones—</p> <p>(a) Zone R1 General Residential,</p> <p>(b) Zone R2 Low Density Residential,</p> <p>(c) Zone R3 Medium Density Residential.</p>	<p><b>Yes.</b></p> <p>The subject site is zoned R2 and is in a low and mid-rise housing area.</p>
	<p>(2) This section applies only if—</p> <p>(a) development consent was granted for the dual occupancy on or after 28 February 2025, or</p> <p>(b) the development results from a development application made on or after 28 February 2025 for the subdivision of the land and the erection of a dual occupancy on the land.</p>	<p><b>Noted.</b></p>
	<p>(3) The following non-discretionary development standards apply—</p>	<p><b>Yes.</b></p> <p>Each lot will contain no more</p>

Provision	Details	Compliance
	(a) each resulting lot must contain no more than 1 dwelling, (b) each resulting lot must be at least 6m wide at the front building line, (c) each resulting lot must have lawful access and frontage to a public road, (d) each resulting lot must have an area of at least 225m <sup>2</sup> , (e) each resulting lot must not be a battle-axe lot.	than 1 dwelling.  Each lot will be at least 6m wide at the front building line.  Each lot will have lawful access and frontage to a public road.  Each lot will have an area greater than 225sqm.  Each lot will not be a battle axe.
	(4) This section does not apply to strata subdivision.	<b>Yes.</b>  Strata subdivision is not proposed.

#### 4.2.4. Warringah Local Environmental Plan (WLEP) 2011

##### Zoning

The site is zoned R2 Low Density Residential. The proposed development is defined as a *dual occupancy*, which is prohibited in the R2 zone. Notwithstanding this, it is noted that the proposal is permitted by virtue of Section 166 of the *Housing SEPP*.

##### Objectives of the Zone

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposal involves replacing the existing dwelling with two new dwellings, addressing community housing needs while maintaining the residential amenity of

neighboring properties and ensuring compatibility with the local character.

### Relevant Provisions

WLEP 2011 contains several provisions which are relevant to the proposed development. Assessment of the proposal against the applicable provisions is provided below in **Table 3**.

Table 3 Relevant provisions of WLEP 2011

Provision	Detail	Compliance
<b>4.1 – Minimum Subdivision Lot Size</b>	Minimum Lot Size is 600sqm.	<b>No.</b>  Subdivision into Torrens title lots is permitted by virtue of Section 166 of the <i>Housing SEPP</i> .
<b>4.3 – Height of Buildings</b>	The height of a building shall not exceed 8.5m.	<b>Yes.</b>  A building height of 9.5m is permitted by virtue of Section 168 of the <i>Housing SEPP</i> . Notwithstanding this, a building height of 8.5m is proposed.
<b>6.2 – Earthworks</b>	The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<b>Yes.</b>  Cut and fill is limited to the building footprint – except where required to accommodate the swimming pool and on-site absorption trench. A geotechnical report has been prepared that provides recommendations.
<b>6.4 – Development on sloping land</b>	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—  (a) the application for development has been assessed	<b>Yes.</b>  The subject site is on land shown as landslip map – Area A. A geotechnical report has been prepared that provides recommendations.

	<p>for the risk associated with landslides in relation to both property and life, and</p> <p>(b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and</p> <p>(c) the development will not impact on or affect the existing subsurface flow conditions.</p>
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### 4.3. Draft Environmental Planning Instruments

There are no draft environmental planning instruments applicable to the proposed development.

### 4.4. Development Controls

Council does not currently have specific controls for dual occupancy development. In the absence of such controls, the Department has issued the *Low-Rise Housing Diversity Design Guide* (LRHDDG) to assist councils in assessing these types of proposals. The guide outlines best-practice design principles to ensure development appropriately addresses built form, amenity, and local character considerations.

Accordingly, the design of this dual occupancy has been guided by the *LRHDDG*. While not required, and noting the *WDCP 2011* is generally not fit for purpose in assessing dual occupancy development, we have nevertheless had regard to its objectives and controls. The applicable provisions of *LRHDDG* and *WDCP 2011* are addressed in detail in **Appendix B**.

The proposed development is generally compliant with the applicable provisions, except for some non-compliances. The merit of proposed non-compliances is addressed in further detail below.

#### 4.4.1. Building Plane

The *WDCP 2011* specifies a minimum side setback of 0.9 metres, but also a building envelope control which requires new development to be contained within planes projected at 45 degrees from a height of 4 metres above existing ground level at the side boundaries.

The proposal provides a ground floor side setback of 0.9 metres and a first floor setback of 1.55 metres to both side boundaries, consistent with the requirements of the *WDCP*. However, the first floor slightly encroaches into the 45-degree building envelope. Refer to **Figure 7** below.

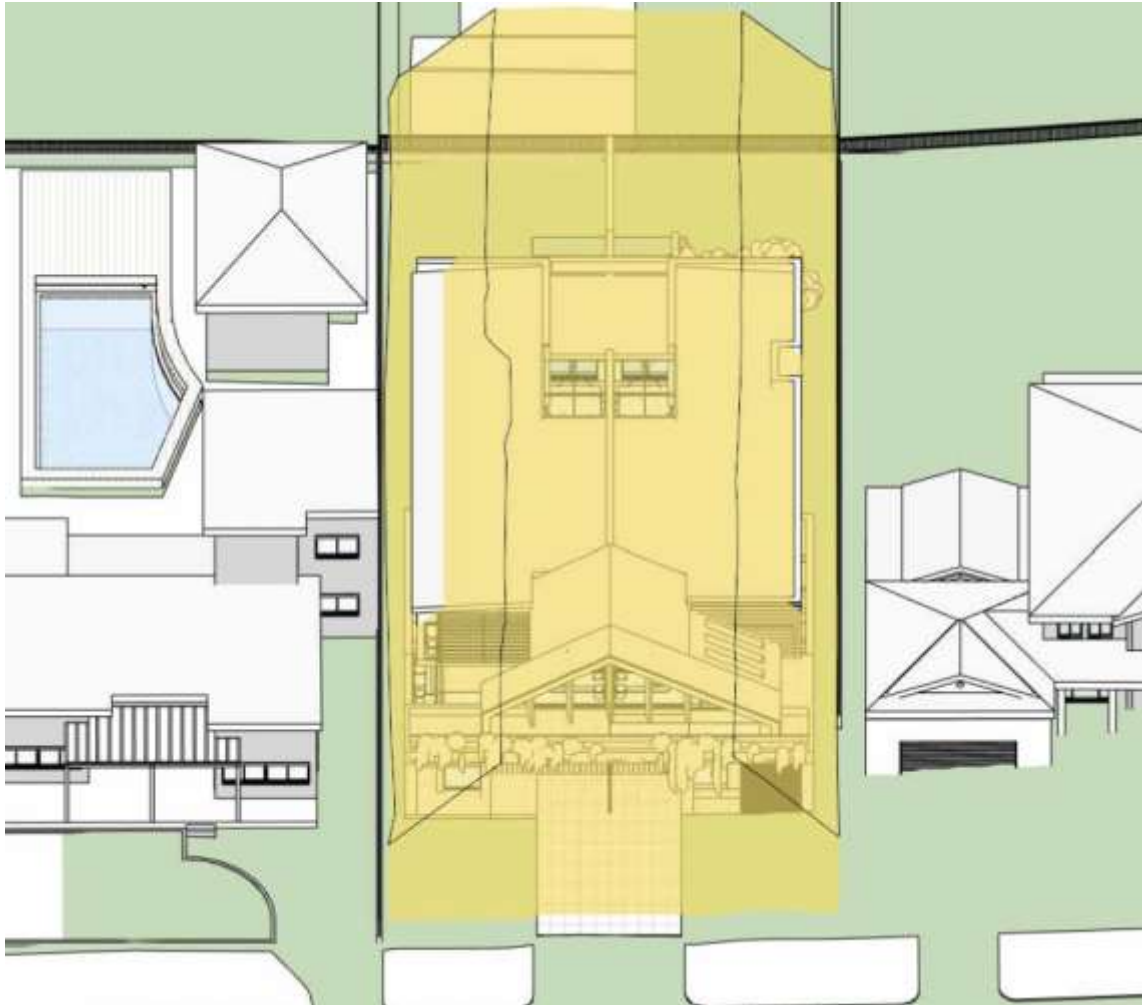


Figure 7 Axonometric view of the proposed development relative to the building height plane (Source: Aform Architecture, 2025.)

This control is considered unduly restrictive as it would significantly constrain the reasonable development potential of the site. In terms of the merits of the proposal, it should be noted that:

- The proposal will comply with the relevant solar access and overshadowing controls.
- The design has been assessed against the *LRHDDG*, which sets a reasonable minimum side setback of 1.55 metres for buildings of this height. The *LRHDDG* standards set a good precedent for adjoining sites that also sit within a “low

and mid-rise housing area”.

Moreover, we note the building height plane is intended to encourage a tapering of built form as height increases. This outcome is achieved by setting the upper floor further back from the ground floor, helping to ensure the proposal respects the existing locality.

- Concerning privacy, no overlooking impacts are anticipated. The first floor of the dwelling on the adjoining eastern property is located more than 10 metres from the proposed first-floor living room windows, while the adjoining property to the west has no first floor windows facing the subject site.

Given the above, the proposal is considered to have planning merit, and the minor non-compliance does not warrant refusal of the application.

#### **4.4.2. Landscaped Area**

*LRHDDG* requires a minimum landscaped area equal to 50% of the site area minus 100m<sup>2</sup>, with a minimum dimension of 1.5 metres. Additionally, it specifies that:

- At least 25% of the area forward of the building line must be landscaped, and
- At least 50% of the required landscaped area must be located behind the building line.

Under the *WDCP 2011*, a minimum of 40% of the site area must be landscaped area. This landscaped area must have a minimum width of 2 metres and a minimum soil depth of 1 metre. The *WDCP* also permits the water surface of the swimming pools to be included in the landscaped area calculation.

The proposal complies with the controls of the *LRHDDG*. However, it does not meet the minimum landscaped area requirement of 40%, which equates to 344sqm. The proposal provides only 316.9sqm of landscaped area, equating to approximately 36.8% of site area.

While the proposal falls marginally short of the more stringent standards set by the *WDCP 2011*, we note the following relevant matters:

- The driveway area (51sqm) has not been counted as landscaped area, even though it is not standard concrete but consists of concrete pads with groundcover—refer to the **Figure** below and **Figure 6** for a perspective. As shown, this treatment will also contribute positively to the local character.



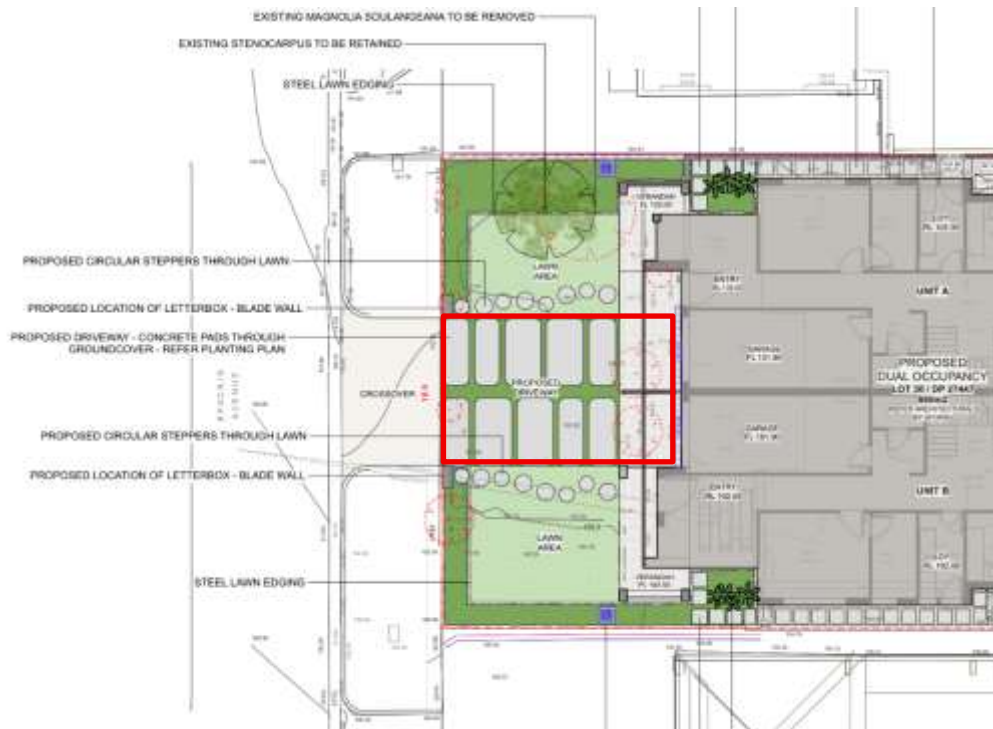


Figure 8 Landscape plan of the proposed development with extent of concrete pads with ground cover outlined in red (Source: Contour, 2025 with Planwave edits.)

- The proposal achieves generous deep soil areas, consistent with the NSW Government’s *Tree Canopy Guide for Low and Mid-Rise Housing*. Notably, this deep soil area will support a net increase of 160sqm in canopy coverage, which will improve the landscape setting.
- The non-compliance primarily stems from the rear decks which provide sheltered POS to each dwelling. Replacing these decks with landscaping would not materially improve the landscape outcome, alter how the development is perceived by surrounding properties, or meaningfully affect stormwater management.

Given the above, the proposal is considered to have planning merit, and the minor non-compliance does not warrant refusal of the application.

#### 4.5. Likely impacts

This section takes into consideration the likely impacts of the proposed development that have not already been considered in preceding sections of this SEE. The proposed development is considered to have acceptable impacts in the following respects:

#### **4.5.1. Local Character**

The surrounding locality is characterised by predominantly detached dwellings, generally one to two storeys in height. These homes typically feature pitched roofs and are constructed primarily of masonry materials. Garages are located both behind or forward of the front building line. Upper floors are tend to be recessed from lower ground floor in diverse ways. Landscaped front setbacks are also common and contribute to the green, suburban character of the streetscape.

The proposed dual occupancy responds well to the established character of the area. The roof form incorporates a skillion roof complemented by a pitched feature element on the front façade. The upper floor is recessed relative to the ground level, creating a tiered built form. Moreover, through the use of varying materials and colours, supported by a generous landscape scheme, the overall appearance contributes positively to the local character.

Importantly, it is also relevant to note that the site is located within the Low and Mid-Rise Housing area, which will inevitably result in more dense forms of residential accommodation within the locality. In this context, the proposal offers a positive and considered transition between the existing and future streetscape.

#### **4.5.2. Construction impacts**

The proposed development is unlikely to result in any adverse impacts to surrounds during the demolition and construction phase. Notwithstanding this, it is anticipated that conditions will be imposed on any consent granted for appropriate measures to be implemented prior to commencement of works and implemented during site works, thereby safeguarding existing residential amenity.

#### **4.5.3. Waste management**

A Waste Management Plan has been prepared by Aform Architecture relating to the demolition and construction of the site and is provided at **Appendix G** of this SEE. The Waste Management Plan outlines the way in which the proposed development will manage the waste and recycling generated from these phases of the development in accordance with the Council's requirements.

#### **4.5.4. Social and economic impacts**

The proposed development will provide for a greatly improved social and economic benefit over existing site circumstances.

## **4.6. Suitability of the site for Development**

Section 4.15(1)(c) of the EP&A Act requires consideration of the suitability of the site for development. The proposed development is considered suitable for the subject site as it is permissible within the zone, is consistent with zone objectives and will provide for high quality design outcome that fits in with its surroundings.

## **4.7. Submissions Made**

Section 4.15(1)(d) of the EP&A Act requires the consideration of submissions. It is anticipated that Council will notify relevant stakeholders in accordance with their notification policy and will give due consideration to any submissions received during the assessment process.

## **4.8. Public Interest**

Section 4.15(1)(e) of the EP&A Act requires consideration of the public interest. The proposed development is considered to be in the public interest because:

- It will replace an old dwelling with a two new dwellings which provide for the housing needs of the community;
- High quality design with buildings that sits in harmony with the existing and desired character of the locality;
- There will be no adverse amenity impacts because of the proposal; and
- Is generally consistent with the relevant Environmental Planning Instruments and Policies.

## 5. Conclusion

In summary, this DA seeks consent for demolition of structures, tree removal and construction of a new dual occupancy and Torrens title subdivision into two lots. The proposed development will contribute to the supply of housing within a well-located area, supporting state strategic planning directions.

The proposed development is permitted with development consent in the R2 Low Density Residential Zone and is generally consistent with the applicable state and local provisions.

Additionally, this DA has examined and considered to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed development. The proposal will not have adverse effects on the locality, community and the environment.

**Having regard to the above, and in light of the matters for consideration listed under Section 4.15(1) of the EP&A Act, it is recommended this application be considered favourably by Northern Beaches Council.**