

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A NEW
DWELLING**

AT

31 KOOLOORA AVENUE, FRESHWATER

FOR

JUDY HSU & CHRIS HUDSON



**Prepared
December 2023**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Judy Hsu & Chris Hudson by R Squared Studios Pty Ltd, Drawings No's. AR.DA.0000, AR.DA.0001, AR.DA.0100, AR.DA.1100, AR.DA.3000, AR.DA.3100, AR.DA.3200, AR.DA.3201, AR.DA.4000, AR.DA.7000, Issue A dated 20 December 2023, detailing the proposed demolition of the existing structures and the construction of a new two storey dwelling, detached garage, driveway, swimming pool and associated landscaping at **31 Kooloora Avenue, Freshwater**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Building) 2022*
- *Warringah Local Environmental Plan 2011 (WLEP 2011)*
- *Warringah Development Control Plan 2011 (WDCP 2011)*

2.0 Property Description

The subject allotment is described as 31 Kooloora Avenue, Freshwater, being Lot 22, Section 2 within Deposited Plan 7022 and is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The site is not listed as a heritage item, is not located within a conservation area and is not within the vicinity of any listed items.

The land is identified as being Landslip Area A on the Landslide Risk Land Map of WLEP 2011. This will be discussed further within this statement.

There are no other known hazards.

3.0 Site Description

The property is located on the south-western corner of the intersection of Kooloora Avenue & Gore Street. The site is regular in shape with a width of 11.58m and depth of 32.535m. The land has a total area of 376.8m².

The site is currently developed with a two storey brick residence with a tile roof, with vehicle access from Kooloora Avenue.

Roofwater from the development is to be collected on site and directed to the street gutter in Kooloora Avenue. The new proposal is supported by a Stormwater Management plan prepared by BMV Consultants Pty Ltd which will continue to direct stormwater to the street gutter in Kooloora Avenue.

The details of the site are as indicated on the survey plan prepared by Donovan Associates, Drawing No 330489 dated 20 March 2023 which accompanies the DA submission.

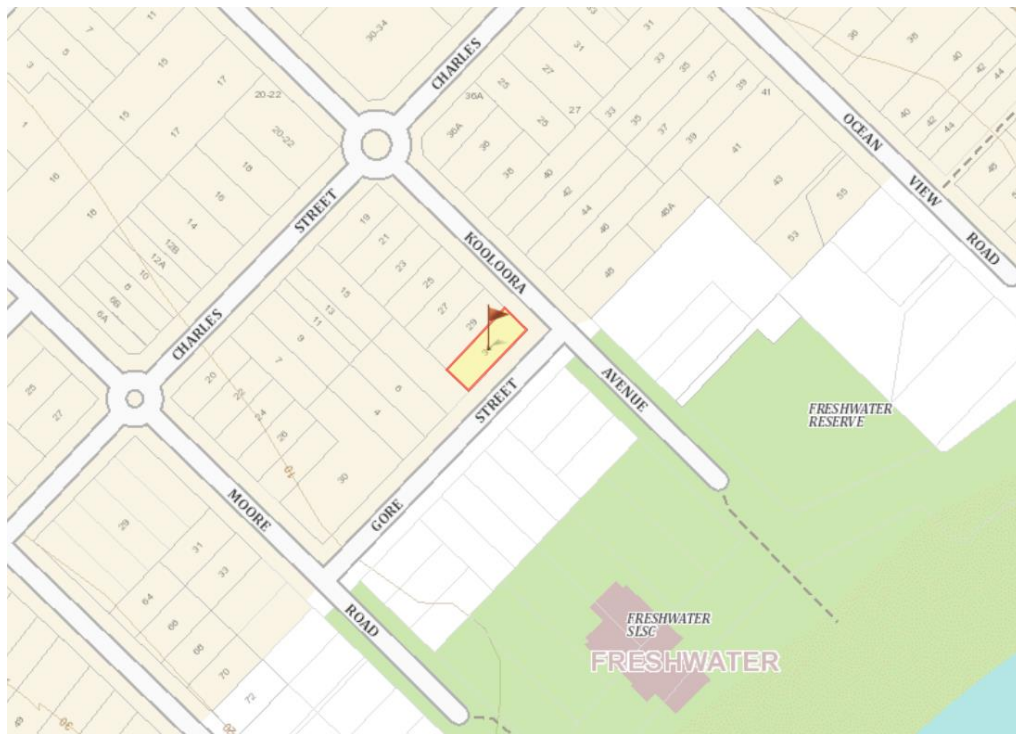


Fig 1: Location of Subject Site
(Source: Six Maps)



Fig 2: View of subject site, looking south-west from Kooloora Avenue



Fig 3: View of the subject site, looking south-west from the intersection of Kooloora Avenue & Gore Street



Fig 4: View of the subject site, looking north-west from Gore Street



Fig 5: View of the adjoining development to the south-west of the site, looking from Gore Street



Fig 6: View of the adjoining development to the north-west of the site, looking from Kooloora Avenue



Fig 7: View of the existing development opposite the site on the northern side of Kooloora Avenue



Fig 8: View of a similar corner site development to the west at the intersection of Kooloora Avenue & Charles Street, looking south

4.0 The Surrounding Environment

The general vicinity of the site is characterised by residential development of varied density, scale and architectural style. The site immediately to the north-west & south-west contain two-storey dwelling houses.

Two storey dwellings are common, interspersed with multi-storey residential flat developments in the vicinity of the beach reserve and public open space.

The site and its surrounds are depicted in the following aerial photograph (Figure 9).



Fig 9: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the demolition of the existing structures and the construction of a new two storey dwelling, including a detached garage, new driveway, swimming pool and associated landscaping.

The proposed works comprise:

Ground Floor

- Entrance
- Office
- Laundry
- Powder room
- Open plan kitchen and walk in pantry/living/dining/sitting area
- Media room
- Internal access stair to upper floor
- Covered outdoor alfresco area

First Floor

- Primary bedroom with ensuite and WIR
- Three (3) additional bedrooms
- Bathroom
- Sitting room
- Study area
- Front and rear balconies

External Works

- Inground swimming pool and spa
- Pond
- Driveway, Driveway crossing
- Single car detached garage
- Landscaping
- Fencing

The external finishes of the proposed new dwelling include a mix of brick, render, timber batters and stonework, as detailed on the Schedule of Colours and Materials, Drawing No AR.DA.4000 prepared by R Squared Studios Pty Ltd.

The proposed dwelling has a two-storey appearance to Kooloora Street, with a highly articulated façade. The proposed high-quality architectural design will result in a significant enhancement of the streetscape.

The application is accompanied by a Stormwater Management Plan by BMV Consultants Pty Ltd, Project No 23084 dated 13 December 2023. Stormwater from the roof areas is diverted to the street gutter in

Kooloora Avenue, via a 10,000 litre rainwater tank to meet the BASIX requirements. As the lot size is less than 450 m², an on-site detention system is not required in this instance.

The proposal results in the following development indices:

Site Area:	376.8m ²
Required Landscaped Area:	40% or 150.72m ²
Proposed Landscaped Area:	47.23% or 178m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Clause 4.6(1)(a) of SEPP (Resilience and Hazards) prescribes that the consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

The proposal is consistent with the provisions of Chapter 4 of this policy.

6.2 State Environmental Planning Policy (Sustainable Building) 2022

SEPP (Sustainable Buildings) 2022, commenced on 1 October 2023 and applies to the proposed development. In accordance with the provisions of the SEPP, a BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011 and the proposed dwelling house is permissible with consent.



Fig 10: Extract of Zoning Map of WLEP 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed new dwelling, including a detached garage, driveway, swimming pool and associated landscaping will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Freshwater is 8.5m. The proposed new dwelling will result in a maximum height of approximately 7.7m and therefore complies with Council's maximum building height.

Clause 6.2 relates to earthworks.

With the exception of excavation associated with the proposed swimming pool, the proposal will not require any significant excavation or site disturbance. The works will be carried out in accordance with the recommendations of a qualified Structural Engineer, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land.

The land is within Area A on the Landslide Risk Map of WLEP 2011. In consideration of the provisions of clause E10 of WDCP 2011, the production of a Geotechnical Report is not considered to be required. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance-based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	<p>Max 7.2m</p> <p>The objectives of this control read as follows:</p> <ul style="list-style-type: none"> <i>To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</i> <i>To ensure development is generally beneath the existing tree canopy level.</i> <i>To provide a reasonable sharing of views to and from public and private properties.</i> <i>To minimise the impact of development on adjoining or nearby properties.</i> <i>To ensure that development responds to site topography and to discourage excavation of the natural landform.</i> <i>To provide sufficient scope for innovative roof pitch and variation in roof design.</i> 	<p>The proposed design adopts a low level parapet style roof form which will comply with Council's maximum height control and also achieve compliance with the maximum 7.2m wall height.</p> <p>The new building replaces an existing two storey building with a pitched roof and therefore the overall bulk and scale of the proposed building to the adjoining streets and neighbouring properties will be compatible with the current development.</p>	Yes

B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope	<p>Building envelope 45 degrees from 5m.</p> <p>The objectives of the provision are as follows:</p> <ul style="list-style-type: none"> • <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> • <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> • <i>To ensure that development responds to the topography of the site.</i> 	<p>A very minor portion of the north-western façade of the upper floor protrudes beyond the prescribed building envelope, as demonstrated on the Building Envelope plans provided to support the application.</p> <p>The minor non-compliance does not contribute to excessive bulk and scale, does not result in a development that is visually dominant, and does not give rise to any unreasonable impacts upon the amenity of adjoining properties.</p> <p>The minor non-compliance is supportable on merit, in circumstances where the objectives are otherwise achieved.</p>	Yes, on merit
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	<p>North-West: Nil- 0.9m South-West: 0.9m</p> <p>The proposal locates the detached single garage to a nil setback to the north-western boundary, in order to maintain space for two car spaces in tandem</p>	Yes –on merit

		<p>arrangement, within the site. The modest height of the garage will ensure that it does not present any significant or adverse impacts to the adjoining neighbours.</p> <p>The adjoining property to the north-west at No 29 Kooloora Avenue currently has a garage to the boundary and in this regard, reduced setbacks to the side boundaries are not uncommon in the local pattern of development.</p>	
B7 – Front Boundary Setbacks	<p>Minimum 6.5m to primary frontage 3.5m to secondary frontage</p>	<p>6.5m to dwelling and 4.5m to low level pool</p> <p>Proposed setback to dwelling between 2.0m & 3.0m to Gore Street.</p> <p>The form of the dwelling proposes a minimum setback of 2m to Gore Street to an articulated portion of the facade, with the majority of the building face presenting 3 m setback. Given the narrow width of the lot at 11.58m and the varied Street presentation, Council support of the proposed setbacks is requested in this instance.</p>	Yes

		<p>The proposed swimming pool which is generally at or near ground level is positioned within the front setback to Kooloora Avenue & Gore Street.</p> <p>Corner sites in the locality commonly present similar setbacks or in some instances reduced setbacks to the street frontages.</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> <p>The proposed new dwelling provides a modulated front elevation which maintains a sense of openness to the Kooloora Avenue streetscape.</p> <p>The site maintains a generous area of soft landscaping and will</p>	
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		<p>not require the removal of any significant vegetation.</p> <p>The proposal will not result in any significant loss of views for the surrounding properties.</p> <p>Notwithstanding the minor variation to the front setback control, the proposal is in keeping with the desired outcomes of this clause.</p>	
B9 – Rear Boundary Setbacks	N/A corner site	N/A	N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	The proposal will see the construction of a new vehicle crossing from Gore Street . The works will be constructed in accordance with council's vehicle crossing policy.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	<p>The proposal will see the construction of a new single garage.</p> <p>The garage is modest in scale and will not visually dominate the dwelling's façade. The parking and access design will meet the relevant standards.</p> <p>Council's parking requirement suggest two car spaces are required for dwellings and the proposal provides for two car spaces in a tandem arrangement, located within the site.</p>	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	<p>The application is accompanied by a Stormwater Management Plan by BMY Consulting demonstrating a suitable stormwater solution for the site.</p> <p>Roof water will continue to be directed to the street gutter in Kooloora Avenue via a rainwater tank to meet</p>	Yes

		the BASIX Commitments.	
C5 – Erosion and Sedimentation	Soil and Water Management required	Sediment and erosion control measures will be carried out as required.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	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.	Council's Stormwater Infrastructure Map indicates the presence of stormwater infrastructure along the south-eastern side boundary, within the road reserve however this is not expected to have any impact to the development.	Yes
C7 – Excavation and Landfill	Site stability to be maintained	Some excavation is required to accommodate the proposed swimming pool. All works will be carried out in accordance with the recommendations of the consulting Structural Engineer and will therefore satisfy the provisions of this clause.	Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed in accordance with the accompanying Waste Management Plan.	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage proposed along the south-western side boundary.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	47.23% or 178m ²	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms: Min 60m ² with min dimension 5m	The private open space is directly accessible from the dwelling. The private open space is located within covered alfresco area and the associated garden area pool.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The works are residential in nature and there will be no further acoustic impacts. The proposed pool equipment will be contained in a soundproof enclosure.	Yes
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys good access to northern sun to the front and rear yards.	Yes
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	The proposal has been designed with central courtyards to maximise access to northern sunlight into internal living spaces. The proposed development will not reduce solar access to areas of private open space of adjoining properties to less than 2 hours, as demonstrated on the	Yes

		Solar Access Diagrams prepared by R Squared Studios Pty Ltd.	
D7 – Views	View sharing to be maintained	The proposed development will not result in any unreasonable impacts upon views.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed dwelling has been designed to preserve the privacy of neighbouring properties. Windows to the upper level are primarily oriented towards the front and the rear, with privacy attenuation measures to the few side-facing upper level windows proposed.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The form of the proposed development is modest in height and scale, with an articulated façade, and an overall height that readily complies with Council’s statutory height limit. The visual bulk and scale of the proposed development is entirely commensurate with that of surrounding development and will therefore not visually dominate the streetscape.	Yes
D10 – Building Colours and materials		The proposed new works will be finished in colours which complement the existing development on site and the locality.	Yes

		The proposed colours and finishes are detailed in the Schedule of Colours and Materials prepared by R Squared Studios Pty Ltd.	
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed new dwelling comprises a flat roof that will not dominate the skyline.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed colours and finishes are detailed in the Schedule of Colours and Materials prepared by R Squared Studios Pty Ltd. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	A new 1.8m high (max.) front fence with sliding driveway gate and pedestrian access gate is proposed, with the fence reducing in height 1.2 m to the front setback area to the corner facing Kooloora Avenue and Gore Street.	Yes
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Bin storage area is available along the south-western side elevation of the site.	Yes

D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	New boundary fencing including side fence to be provided in accordance with the Dividing Fences Act 1991.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Proposed pool is located in the eastern side yard. The siting of the proposed pool will not affect any existing vegetation on neighbouring properties.	Yes
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is provided to support the development	Yes

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	The proposal is not intended to adversely affect any significant or protected planting	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features		No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A.	The land is within Area A on the Landslide Risk Map of WLEP 2011. In consideration of the provisions of clause E10 of WDCP 2011, the production of a Geotechnical Report is not considered to be required.	Yes
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of WLEP 2011. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its objectives.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of WDCP 2011.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, we request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the building envelope and wall height controls to be reasonable alternative solutions, noting that the proposal is otherwise consistent with the objectives of these controls.

It is considered that the proposed design respects the desired character of the locality, in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity of the site.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

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

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal has been located and designed to appropriately minimise impacts on the amenity of adjoining properties, resulting in a development that is compatible with and will

complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the applicable SEPPs, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the demolition of the existing structures and construction of a new two storey dwelling, including a detached single garage, new driveway, swimming pool and associated landscaping.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment; the character of the locality and will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the demolition of existing structures and construction of a new two storey dwelling, including a detached garage, new driveway, swimming pool and associated landscaping, which will not have a detrimental impact on the adjoining properties or the locality.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height standard with floor space appropriately distributed across the site. The building displays a complimentary and compatible building form when compared to other development located along this section of Kooloora Avenue & Gore Street and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity,

privacy, solar access and view sharing.

The swimming pool has been set into the secondary street setback to provide a complimentary and compatible streetscape presentation while providing increase privacy amenity to the occupants and their guests. The internal design and arrangement will afford exceptional amenity and functionality to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the precinct.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

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