

STATEMENT OF ENVIRONMENTAL EFFECTS

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

LOCATED AT

19 DALLEY STREET, QUEENSCLIFF

FOR

STEPHEN FIALA



**Prepared
October 2023**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Laura Cook, Drawings No. DA.00 – DA.16, Issue A, dated 21 October 2023, detailing the proposed demolition of the existing dwelling and the construction of a new dwelling at **19 Dalley Street, Queenscliff**.

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 (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011 (WLEP 2011)*
- *Warringah Development Control Plan 2011 (WDCP 2011)*

2.0 Property Description

The subject allotment is described as 19 Dalley Street, Queenscliff, being Lot 69 within Deposited Plan 1376 and is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The site is not listed as a heritage item or located within a conservation area. However, the site neighbours a heritage item being the house at 21 Dalley Street (Item No. I120). This matter will be discussed further within this submission.

The land is identified as being within Area A & B on the Landslide Risk Map of WLEP 2011. This matter will be discussed further within this submission.

The site is identified as being within a Coastal Use Area as mapped within the State Environmental Planning Policy (Resilience and Hazards) 2021. This matter will be further discussed within this statement.

No other hazards/constraints have been identified.

3.0 Site Description

The property is located on the northern side of Dalley Street. The land has a fall of over 2m from the northern rear property boundary towards the southern front street boundary. The site is regular in shape with a frontage to Dalley Street of 15.240m. The north-eastern and south-western side boundaries measure 43.905m and 43.29m respectively. The rear boundary measures 15.255m and a total site area of 664.4m².

The site is currently developed with a single storey brick dwelling with a tile roof. Vehicular access currently is available to the site from Dalley Street via a concrete driveway along the south-eastern side boundary, which connects to a detached brick and clad garage at the rear of the dwelling.

The details of the site are as indicated on the survey plan prepared by Beyond Measure Surveys, File No. BM836, dated 1 April 2022, which accompanies the DA submission.

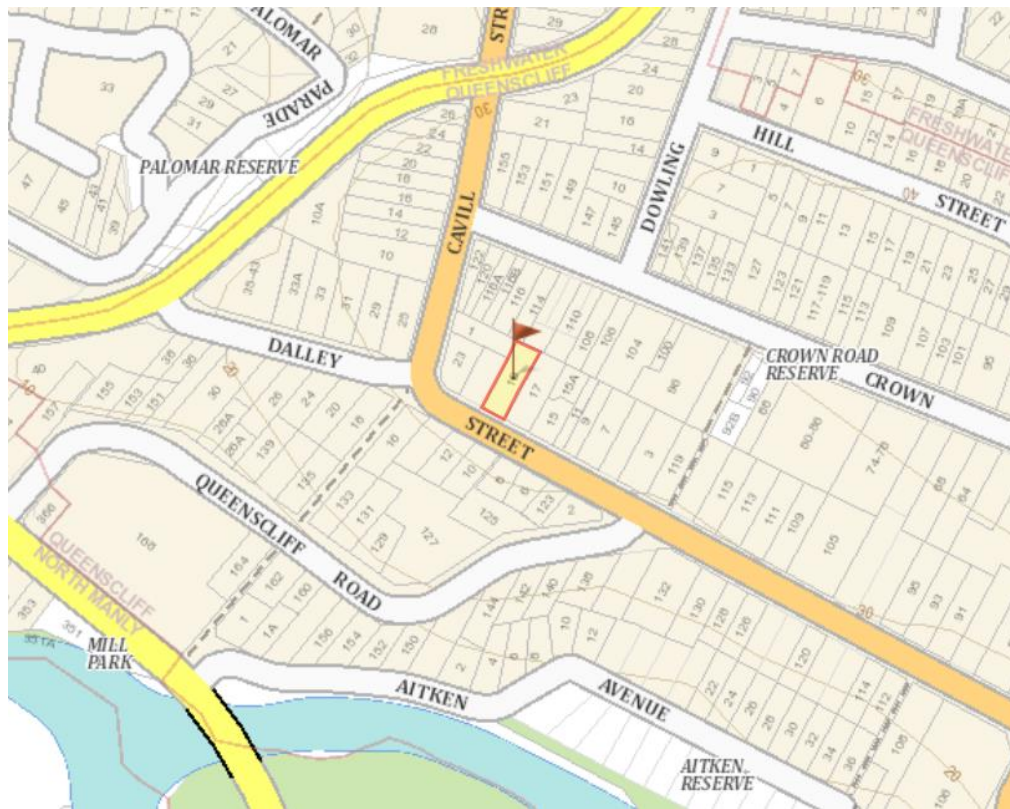


Fig 1: Location of Subject Site
(Source: Six Maps)



Fig 2: View of the subject site, looking north from Dalley Street



Fig 3: View of the subject site and adjoining residential development at No 21 Dalley Street, looking north-west



Fig 4: View of the subject site and the adjoining residential development at No 17 Dalley Street, looking north-east



Fig 5: View of the adjoining dwelling at No 17 Dalley Street, looking north-west



Fig 6: View of the streetscape to the east of the site (No 15 Dalley Street in foreground), looking north-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of residential development, of varying density, age and character.

The site immediately to the east at No. 17 Dalley Street comprises a two storey residential dwelling, with the site to the west at No. 21 Dalley Street comprising a one storey residential dwelling. Dwelling houses are also located on properties to the north.

Surrounding development on Dalley Street is characterised by a mix of single detached dwellings, associated small residential flat development and newer style flat buildings, all within a landscaped setting.

Queenscliff beach is located approximately 800m to the south-east of the subject site. With Manly Lagoon approximately 180m to the south of the subject site.

Properties in the area enjoy local views and views towards Manly Lagoon, Queenscliff Beach and Manly Beach.

The site and its surrounds are depicted in the following aerial photograph:

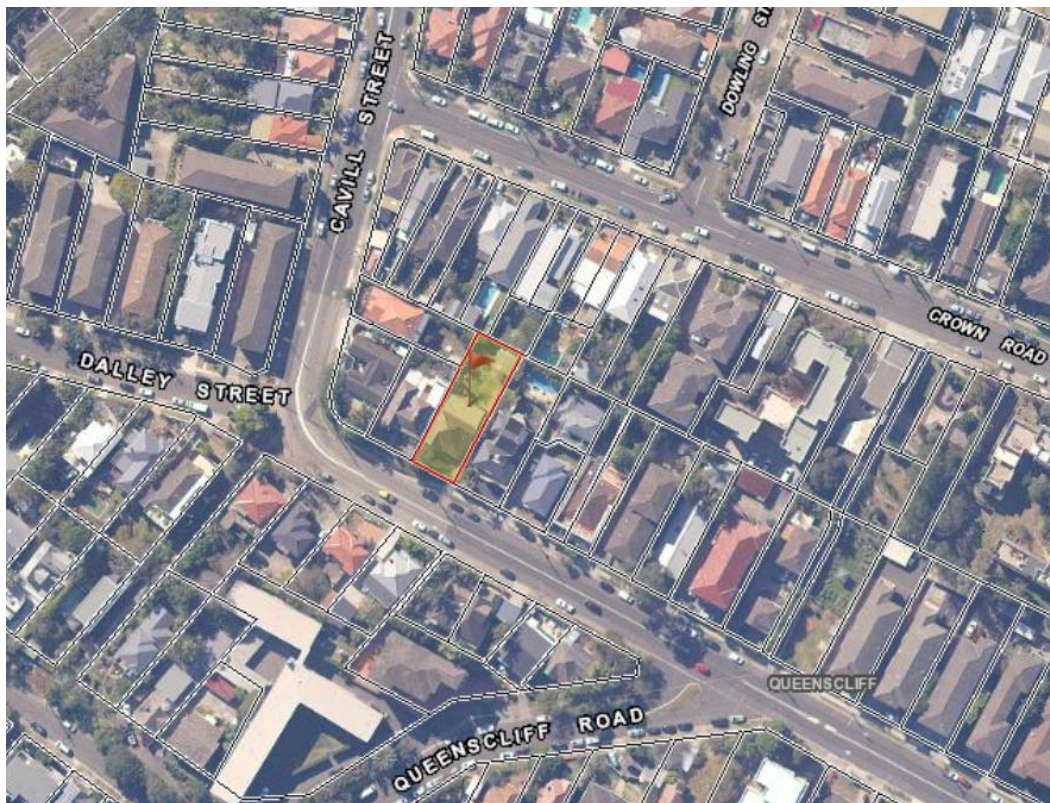


Fig 7: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks consent for the demolition of the existing dwelling and the construction of a new two storey dwelling with basement garage for storage and ancillary facilities.

An existing detached garage/shed at the rear boundary of the site will be retained.

The new dwelling will comprise:

Lower Ground Floor

- Double garage
- Internal stair access to the proposed ground floor

Ground Floor

- Entry
- Laundry
- Bathroom
- Open plan kitchen/living/dining area
- Fireplace
- Butler's pantry
- Room
- Internal stair access
- Balcony
- Shed within the balcony footprint
- Rear terrace area

First Floor

- Master bedroom with WIR and ensuite
- Three bedrooms
- Bathroom
- Internal stair access
- Rumpus room
- Front balcony

External Works

- New driveway
- New front boundary fencing
- Landscaping

The new dwelling represents a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the subject site. The resultant development is highly articulated, with low set roof forms and materiality to break down the reduce bulk and scale of the new dwelling.

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 internal design and arrangement will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties or the scenic attributes of the area. The new works will be constructed of a mixture of natural stonework, face brickwork, cladding, concrete landscaped elements, and Colorbond roofing. The proposed external finishes and materials have been detailed within sheet DA.16.

An Arboricultural Impact Assessment Report has been prepared by Seasoned Tree Consulting, dated 27 October 2023. The Assessment notes that three trees will be removed, however they are noted as being Category Z or trees which are of unimportant value and not worthy of being a material constraint to the development, being exempt species or a poor condition.

The application is also supported by a Landscape Plan prepared by Taylor'D Garden Design, Drawing Number LP 01/05 dated 3 August 2023 which provides for the managed replanting of the site and the inclusion of two additional canopy with mature height of between 8m to 15m.

The proposal results in the following development indices:

Site Area:	664.4m ²
Maximum Building Height:	8.5m
Proposed Building Height:	8m
Required Minimum Landscaped Area:	40% or 265.76m ²
Proposed Landscaped Area:	42.1% or 280m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Hazard

The subject site is identified as being within the coastal use area on the Coastal Use Area Map and therefore the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable to the proposed development.

The stated Aim of this Chapter as outlined in clause 2.1 is to:

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The objects set out in Clause 3 of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*

- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the proposal, as considered in this Statement of Environmental Effects, is consistent with the objects of the SEPP (Resilience and Hazards), as set out in Clause 3 of the Coastal Management Act 2016. The relevant provisions of this Chapter are addressed as follows:

Division 4

2.11 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following—*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that—*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment: The bulk and scale of the built form is commensurate with the established built environment along Dalley Street and the wider area. The proposed works do not require significant or unreasonable disturbance to the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The subject site is not located within the foreshore area and will not result in any loss of public access.

The works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers, and stormwater runoff from the site will be suitably managed.

A more than generous area of soft landscaping is maintained, and the new works will not require the removal of any significant vegetation.

The proposal will reasonably maintain existing views to and from the coastal area.

The proposal will not result in any overshadowing of the foreshore area.

Division 5 General

2.12 Development in coastal zone generally — development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment: The application is supported by a Geotechnical Report to address the landslip hazard that affects the site. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

Development for the purposes of a dwelling house are permissible in this zone under the WLEP 2011.



Fig 8: 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 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 bulk and scale of the new dwelling demonstrates a more modern and compatible built form with that of existing development in this portion of Dalley Street.
- 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 amenity of adjoining properties.

Clause 4.3 provides controls relating to the height of buildings.

The site is subject to an 8.5m height control which is the vertical distance from Australian Height Datum (AHD) to the highest point of the building pursuant to the definition of building height under Clause 4.3 Warringah Local Environment Plan 2011. In the circumstances of this assessment, it is important to note that the site will be excavated to a depth of up to approximately 2m below AHD. In this regard, it is noted that the building height definition in the standard instrument states as follows:

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.

Therefore, in measuring the "natural" ground level of the site (AHD levels), reliance must be placed on the Site Survey and upon known levels of the site which can be relied on to determine the natural slope of the land.

In the circumstances of this case, it is evident that the natural landform in the front portion of the site would be naturally higher in the vicinity of the front of the building where the proposed garage is to be located.

Therefore, for the purpose of this assessment, the relevant ground levels to accurately determine the height of the building are extrapolated from survey points around the perimeter of the site as detailed on the architectural plans accompanying the application. In measuring the building height using this methodology, the development would comply with the building height standard of 8.5m at 8m.

Clause 5.10 relates to heritage conservation.

The site is not listed as a heritage item or located within a conservation area. However, the site neighbours a heritage item being the house at 21 Dalley Street (Item No. I120).

The proposal generally complies with the building height and envelope controls and this, together with the physical separation between the site and the dwelling house at 21 Dalley Street, ensure that there is no adverse impact on the setting of this heritage item consistent with the objectives of clause 5.10 of WLEP 2011.

Clause 6.2 relates to earthworks. The proposal will necessitate excavation to provide for the garage. A Geotechnical Report has been prepared by Morrow Geotechnics Pty Ltd, Report Reference No P3013_01rev2 dated 26 October 2023 to accompany this application, ensuring consistency with the provisions of this clause.

All site works will be carried out in accordance with the recommendations of the Consulting Structural and Geotechnical Engineers, and therefore satisfy the provisions of this clause.

Clause 6.4 relates to development on sloping land. The site is identified within Area A & B on Council's Geotechnical Risk Mapping. The proposal will necessitate excavation to provide for the new double garage. A Geotechnical Report has been prepared by Morrow Geotechnics Pty Ltd, Report Reference No P3013_01rev2 dated 26 October 2023 to accompany this application, ensuring consistency with the provisions of this clause.

All site works will be carried out in accordance with the recommendations of the Consulting Structural and Geotechnical Engineers, and 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	Max 7.2m	Max wall height approximately 7.53m on the eastern elevation and up to 6.05m on the western elevation.	Yes
B2 – Number of storeys	No requirement identified on map	2 Storeys	N/A
B3 – Side Boundary Envelope	Building envelope 45 degrees from 5m.	The proposed dwelling is maintained below the prescribed envelope.	Yes
B5 – Side Boundary setbacks	R2 zoned land 0.9m	East = 0.9m to 2.6m West = 1.5m	Yes
B7 – Front Boundary Setbacks	Minimum 6.5m	6.5m	Yes
B9 – Rear Boundary Setbacks	Min 6m rear setback.	New dwelling >6m Existing detached garage/shed to be retained	Yes
Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing vehicle crossing location remains – new crossing and layback to be provided to replace the existing and provide access to new parking area	Yes

C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The proposal incorporates a basement garage, which is integrated into the dwelling design and will not dominate the façade.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	The application is supported by a Stormwater Management Plan prepared by Grand Engineering, Project No 23G8101 dated 16 October 2023 demonstrating consistency with the requirements of this control.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction, which have been detailed on Sheet DA.02(B).	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained	A Geotechnical Report has been prepared by Morrow Geotechnics Pty Ltd, Report Reference No P3013_01rev2 dated 26 October 2023 to accompany this application, ensuring consistency with the provisions of this clause.	Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage proposed within the basement.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	<p>Min 40% Landscaped Area, with dimensions >2m.</p> <p>The objectives of this control are:</p> <ul style="list-style-type: none"> • <i>To enable planting to maintain and enhance the streetscape.</i> • <i>To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.</i> • <i>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.</i> • <i>To enhance privacy between buildings.</i> • <i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</i> • <i>To provide space for service functions, including clothes drying.</i> • <i>To facilitate water management, including on-site detention and infiltration of stormwater.</i> 	<p>The proposed development has a landscaped area calculation of 42.1% or 280m², which is consistent with the 40% requirement.</p> <p>The proposed development will result in the enhancement of landscaping presenting to Dalley Street, with landscaping proposed within the front setback.</p> <p>The landscaping is appropriate with respect to the bulk and scale of the dwelling and is commensurate with that of surrounding properties.</p> <p>Sufficient space is maintained for outdoor recreation and services functions, and a suitable stormwater management solution is achieved.</p> <p>As such, the objectives of the control are achieved.</p>	Yes

D2 – Private Open Space	Min 60m ² with min dimension 5m	The proposal will provide a substantial area of private open space, which is directly accessible from the dwelling and with excellent access to the northern sun.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The works are consistent with residential living meaning there will be no unreasonable change to the existing level of residential acoustic impact.	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 a northerly aspect, with high levels of solar access to the rear yard area. The application is supported by a BASIX Certificate.	Yes
D6 – Access to sunlight	At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The application is supported by Shadow Diagrams by Laura Cook demonstrating consistency with this control. The new dwelling complies with the building height and side setbacks, and has a low pitched roof design roof to not only reduce the perception of bulk and scale, but also minimise impacts upon adjoining properties with regard to solar access.	Yes

		<p>The solar access diagrams confirm that the proposed development will not result in any unreasonable overshadowing of the adjoining dwelling at No. 21 Dalley Street, noting that a substantial portion of the front and rear recreational areas, along with the glazing associated with living rooms maintain the required 3 hours of sunlight.</p> <p>Therefore, proposal retains reasonable levels of solar access to neighbouring properties in accordance with Council's controls.</p>	
D7 – Views	View sharing to be maintained	Upon inspection of the site and review of the plans, it appears unlikely that the proposed development will impact upon any existing view corridors.	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	<p>The proposed development has been designed to maximise privacy for both occupants of the dwelling and adjoining properties.</p> <p>For example, the proposal includes opaque windows on the second storey in order to minimise overlooking and</p>	Yes

		maintain privacy between dwellings.	
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	<p>The bulk and scale of the proposed development is compatible with surrounding built form, which comprises a mix of dwelling houses and residential flat buildings.</p> <p>The resultant new dwelling is highly articulated, with skilful use of shading, low pitched roof form and materiality to break down the apparent size and reduce bulk and scale.</p> <p>The front façade of the development is highly articulated and will be softened by proposed landscaping within the front setback and in numerous planters.</p>	Yes
D10 – Building Colours and materials		The natural and muted colours and finishes of the proposed development are complementary to surrounding development.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed roof has been designed with a low pitch, is maintained below the height limit and the height of adjoining and nearby properties, meaning the bulk and scale of the new dwelling is effectively minimised.	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 front fence is proposed. While the front fence demonstrates a height of 1.52m to a maximum of 2.23m at the stepping points, the open style design and incorporation of landscaping complements the streetscape despite the minor height non-compliance.	Yes – on merit. (See below)
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		Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Side fences unchanged.	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 has been provided to support the proposed 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	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A & B. Nature of works to excavate >2m requires the submission of a Geotechnical Hazard Assessment.	The site is identified within Area A & B on Council's Geotechnical Risk Mapping. The proposal will necessitate excavation to provide for the ground floor double garage. A Geotechnical Report has been prepared by Morrow Geotechnics Pty Ltd, Report Reference No P3013_01rev2 dated 26 October 2023 to accompany this application, ensuring consistency with the provisions of this clause.	Yes

Clause D13 – Front Fences and Front Walls

The proposed front fence adjoining Dalley Street, that has a high volume of traffic, is 1.52m to 2.23m in height at the stepping points with a mixed style of masonry wall combined with landscaped zones and slatted areas, vehicle access gate and a pedestrian swing access.

An evaluation of the proposed front fence indicates that the combination of masonry and slat fencing is consistent in construction and height with existing fences along Dalley Street and in the area overall. Many nearby properties have existing solid and open style fence measuring up to approximately 2m in height.

The new open style front fence upgrades the site frontage, allows for casual surveillance to the site, while increasing the visual interest in the streetscape overall.

The proposed mixed style of masonry wall combined with incorporated landscaped zones and slatted fencing provides a design solution for safety and security for the occupants, whilst improving the overall outlook of the built environment.

As such, the demonstrated front fence is considered acceptable on merit.

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

7.1 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 landscaped area control to be a reasonable alternative solution, 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 construction of a new dwelling, including an attached double garage 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 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 is consistent with the objectives of WLEP 2011 and WDCP and will not result in any unreasonable impacts upon the amenity of adjoining properties, the natural environment, or the streetscape. Therefore, the proposal is considered to be within the public interest.

8.0 Conclusion

The proposal provides for the demolition of existing structures and construction of a new dwelling, including an attached double garage, 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 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 existing dwelling, 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 Dalley 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.

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.

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