

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE PROPOSED CONSTRUCTION OF A NEW DWELLING ON A VACANT SITE

AT

45 OXFORD FALLS ROAD, BEACON HILL

FOR

JIRI AND MARCELA ALBRECHT



**Prepared
July 2025**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Jiri and Marcela Albrecht by Michal Korecky, Drawings No. 18080, Sheets 1-19, dated 30 May 2025, detailing the proposed construction of a new two storey dwelling, garage, driveway and associated landscaping at **45 Oxford Falls Road, Beacon Hill**.

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.

A previous Development Application (DA2020/1043) for a two lot subdivision including partial demolition of a dwelling (Lot 1), new driveway and parking was approved on 25 January 2021. This development application seeks approval for the construction of a dwelling house on the new approved lot. There is a construction certificate CC2024/0086 for the approved subdivision works.

The registration of the approved subdivision has not been carried out at the time of the lodgement of this application. This application refers to Proposed Lot 2 within the approved subdivision layout.

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 (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 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 45 Oxford Falls Road, Beacon Hill, being on proposed Lot 2 within Deposited Plan 206629 and is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The site is noted as Land Slip Risk Area A & B and a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J6085 dated 12 June 2025, and accompanies this submission. This will be discussed in further detail within this report.

The site is noted as Bushfire Prone Land. A Bushfire Risk Assessment has been prepared by Building Code and Bushfire Hazard Solutions Pty Ltd, Reference No 25186 dated 11 July 2025 which recommends a BAL 19-29 construction level and includes a Bush Fire Certificate issued under Section 4.14(1)(b) of the Environmental Planning & Assessment Act 1979 and Planning for Bushfire Protection 2019.

The site is identified on Council's Stormwater Map and is within 2m of Council's stormwater pits and conduits. The stormwater infrastructure is located within the adjoining property to the west.

The subdivision proposal was considered in the Overland Flow Assessment prepared by Stellen Civil Engineering, dated 27 July 2019 and as the new works are confined to the eastern side of the subject site and at first floor level, no further assessment of impact to the stormwater pits and pipes is considered necessary in this instance. The OSD has been approved under DA2020/1043 and modified under modification application Mod2022/0699.

There are no other known hazards that apply to the site.

3.0 Site Description

The subject site is located on the southern side of Oxford Falls Road, with its current primary pedestrian and driveway access via a right of carriageway from Dareen Street. The lot is rectangular in shape, with a width of 17.34m and the western and eastern side boundaries measuring 64.975m and 64.96m respectively. The current site area is 1126m².

The site has a fall of approximately 12.6m to the front, northern boundary.

As discussed, vehicular access is currently available to the site via a right of carriageway from Dareen Street to an existing dwelling with an attached and detached garage.

The details of the subject site are indicated on the survey plan prepared by Waterview Surveying Services, Reference No. 1619detail, dated 26 September 2023, which accompanies the DA submission.



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



Fig 2: View of the subject site, looking south from Oxford Falls Road/Iris Street frontage



Fig 3: View of the subject site and existing development to the east of the site, looking south-east



Fig 4: View of the nearby development to the west of the site, looking south-west



Fig 5: View looking south-east towards the subject site



Fig 6: View looking east towards the subject site the Oxford Falls Road intersection

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of residential dwellings of generally one or two storeys and of a variety of architectural styles. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The surrounding properties comprise a range of original style dwellings with an emergence of modern dwellings and additions. Surrounding development comprises a mix of single and two storey dwellings.

The dwellings within this area are characterised by a mix of gentle and steeply sloping topography. Local views are enjoyed by dwellings along Oxford Falls Road & Oxford Falls Valley.

A roundabout has been constructed at the intersection of Iris Street and Oxford falls Road, which allows for more convenient and safe access for vehicle movement in the locality. Access from the roundabout to the proposed car space will be available.

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 construction of a new two storey dwelling, including a new excavated garage and driveway and associated landscaping.

The design of the new dwelling adopts an excavated garage level below the dwelling which allows for stormwater and surface flow to be directed by a gravity to the street gutter. The dwelling has been designed around the topography of the site.

The proposed works comprise:

Lower Ground Floor

- Double car garage
- Internal access stair to upper floor
- Lift

Ground Floor

- Roof terrace
- Lift
- Music room with attached bedroom and bathroom
- Rumpus room with attached bedroom and ensuite
- Media room
- Bathroom
- Storage

First Floor

- Open plan kitchen with pantry/sitting area/dining area
- Bathroom
- Laundry
- One bedroom with an ensuite
- Three bedrooms
- Balcony

External Works

- Driveway, driveway crossing
- Landscaping and retaining walls

The proposed new dwelling house represents a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the site. The resultant development is highly articulated, with skillful use of materiality to break down the apparent size of the new dwelling and reduce bulk and scale.

The compliant side boundary setbacks maintain the rhythm of development and building setbacks within the street and surrounding area and provide appropriately for spatial separation, deep soil

landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement of the new dwelling will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties.

The proposed new landscape plantings will further assist in maintaining the privacy and amenity of both the subject and neighbouring properties and will soften the visual impact of the resultant development.

The proposal results in the following development indices:

Site Area:	541m²
Required Building Height:	8.5m
Proposed Building Height:	8.1m
Required Landscaped Area:	40% or 216.4m ²
Existing Landscaped Area:	new lot subdivision
Proposed Landscaped Area:	222.9m ² or 44.5%

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of nonrural areas of the State through the preservation of trees and other vegetation.

No significant or high value vegetation is proposed to be removed as part of the proposed development. No further consideration of the SEPP is required.

6.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 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.

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

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.

6.4 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.

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.*

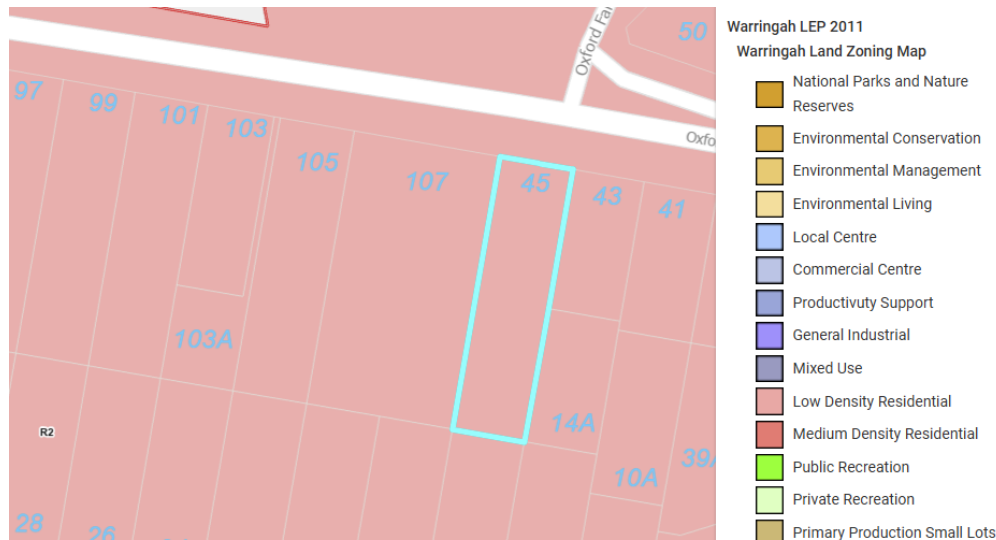


Fig 8: Extract of Zoning Map of WLEP 2011

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

- The proposal provides for increased residential opportunity within the area, which serves the housing needs of the community and maintains a low density residential character.
- The development does not negatively impact landscaped setting of Beacon Hill nor does it result in a loss of natural vegetation.
- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of improved vehicular access, together with enhanced functional recreation areas.
- The proposal does not have any unreasonable impact on views, solar access or amenity for the neighbouring properties.
- The site will continue to maintain the residential use.
- The bulk and scale of the new dwelling is comparable with the surrounding locality, with a more modern and compatible built form that is compatible with that of existing development in this portion of Oxford Falls Road.

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 Beacon Hill is 8.5m. The proposed new dwelling will result in a maximum height of 8.2m, which complies with Council's maximum building height. Given this is the construction of a new dwelling on a new lot the height of building is measured from natural ground level, which is the existing ground level on the vacant site.

Clause 6.2 relates to earthworks.

While the proposal involves the construction of a garage on the lower ground floor level, the construction of the proposed dwelling house will not require any significant excavation or site disturbance and will be carried out in accordance with the relevant engineering practice. The proposal is also not anticipated to result in adverse impacts on stormwater discharge.

As discussed, the extent of the excavation has been minimised to reduce site disturbance and also to ensure that gravity fall of stormwater to the street is achieved, reducing the extent of potential stormwater inundation of the garage level.

Clause 6.4 relates to development on sloping land.

The land is within Area A and B on the Landslide Risk Map of WLEP 2011. In consideration of the provisions of clause E10 of WDCP 2011, a Geotechnical Assessment has been prepared by White Geotechnical Group dated 12 June 2025 has been submitted as part of the proposal.

The works will be carried out in accordance with the recommendations of the Geotechnical Report 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.

6.5 Warringah Development Control Plan

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


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 new dwelling has a wall height of 5.6m along the eastern and western side elevations and therefore complies with the control.</p>	Yes
B2 – Number of storeys	No requirement identified on map	N/A	N/A

Standard	Required	Proposed	Compliance
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 small portion of the new dwelling along the eastern side elevation towards the north does not comply with the side boundary envelope.</p> <p>The side boundary envelope variation is influenced by the sloping topography where the new building is extended towards the front boundary.</p> <p>Physical separation is consistent with the established building separation, combined with articulated design elements at selected parts of the dwelling such as the use of balconies and screens.</p> <p>There is no unreasonable loss of privacy or solar amenity to adjacent buildings. The submitted shadow diagrams demonstrate compliant solar sunlight is provided to adjoining properties.</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</p>	Yes, on merit

Standard	Required	Proposed	Compliance
		<p>does not give rise to any unreasonable impacts upon the amenity of adjoining properties.</p> <p>In this regard the proposal is consistent with the objectives on merit consideration.</p>	
B4 – Site Coverage	No requirement identified on map		N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	<p><u>East:</u> Carport: 900mm Ground Floor: 2m First Floor: 2.1m</p> <p><u>West:</u> Ground Floor: 2.5m First Floor: 2.6m</p>	Yes
B7 – Front Boundary Setbacks	Minimum 6.5m to primary frontage 3.5m to secondary frontage	<p>Dwelling: 6.5m</p> <p>Garage: 2.2m</p> <p>The proposed garage is setback 2.2m from the front boundary and therefore presents a variation of 4.3m to the control requiring 6.5m. Strict compliance with the control is considered unnecessary in these circumstances given there is no alternative location on site to provide for compliant car parking without the need for significant and excessive excavation.</p>	Yes – on merit

Standard	Required	Proposed	Compliance
		<p>The proposed garage is of a modest size and complementary to the proposed dwelling and existing development within the immediate vicinity.</p> <p>Sufficient landscaping and planter boxes are provided within the front setback to soften the built form.</p> <p>The proposed location is considered to be supportable on merit.</p>	
B9 – Rear Boundary Setbacks	Minimum 6m to rear boundary	6m	Yes
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		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 Oxford Falls Road. The works will be constructed in accordance with Council's vehicle crossing policy and Councils general guidelines.	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 internal two car garage in a side by side arrangement along Oxford Falls Street.</p> <p>The garage is modest in scale and will present as a standard two car width opening and will not visually dominate the dwelling's façade. The parking and access design will meet the relevant standards.</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 prepared by Michal Korecky, Drawing No 18080, Sheets SW-1 & SW-2 dated 14 June 2023 demonstrating a suitable stormwater solution for the site.</p> <p>Stormwater will be directed to the street gutter via an OSD system located at the</p>	Yes

		north-western corner of the site.	
C5 – Erosion and Sedimentation	Soil and Water Management required	Sediment and erosion control measures will be carried out as required by Councils standards and guidelines.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	<p>Objectives</p> <ul style="list-style-type: none"> To ensure efficient construction, replacement, maintenance or access for emergency purposes to constructed public drainage systems located within private property. 	<p>The site adjoins a stormwater infrastructure on the property to the west however the works are all located at first floor level or to the eastern side of the site.</p> <p>A previous Overland Flow Assessment prepared by Stellen Civil Engineering, dated 27 July 2020 was considered in the approved subdivision proposal for the site.</p> <p>As the works do not have any direct impact on the stormwater infrastructure, no further investigation is considered necessary in this instance.</p>	Yes
C7 – Excavation and Landfill	Site stability to be maintained	Some excavation is required to accommodate the proposed lower level. A Geotechnical Assessment prepared by White Geotechnical Group, Ref. J6085date 12 June 2025. has been submitted with the application.	Yes

		All works will be carried out in accordance with the recommendations of the Geotechnical Report and the consulting Structural Engineer and will therefore satisfy the provisions of this clause.	
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 within proposed garage.	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The site will have a landscaped area of 222.9m² or 44% which complies with the minimum requirement of 40%.</p> <p>The new landscaping design will improve the presentation of the site and contribute to the landscaped character of the locality and soften the built form of the development.</p>	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms: Min 60m ² with min dimension 5m	The private open space areas are directly accessible from the dwelling. The private open space located on the ground floor is located within the rear setback, and	Yes

		<p>also within the front decking and terrace area.</p> <p>The private open space areas will maintain a reasonable level of privacy and aural amenity within the site and to the neighbouring properties.</p>	
D3 – Noise	<p>Mechanical noise is to be attenuated to maintain adjoining unit amenity.</p> <p>Compliance with NSW Industrial Noise Policy Requirements</p>	<p>The works are residential in nature and there will be no further acoustic impacts.</p>	Yes
D5 – Orientation and Energy Efficiency	<p>Dwellings to be orientated to receive northern sun</p> <p>Appropriate construction to enhance thermal properties and ventilation/natural cooling</p> <p>Compliance with SEPP (BASIX) requirements</p>	<p>The site will receive ample access to direct sunlight throughout the day in mid-winter.</p> <p>The application is supported by a BASIX Certificate.</p>	Yes
D6 – Access to sunlight	<p>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.</p>	<p>The proposal is accompanied by shadow diagrams which demonstrate that the proposal, while resulting in a marginal increase to overshadowing of the property to the east and west, will continue to provide sufficient solar access, in accordance with the control above, in particular at 9am and 3pm.</p>	Yes

		Accordingly, there is no unreasonable loss of solar access to any principal private open space areas for neighbouring properties will occur as a result of the proposed works.	
D7 – Views	View sharing to be maintained	<p>The proposed development will not result in any unreasonable impacts upon views.</p> <p>Views to the south and cross views to the east and west from the southern façades of each adjoining property are equitably maintained.</p>	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 proposal has been designed to minimise the likelihood of adverse visual or aural privacy impacts on surrounding properties.</p> <p>The development design is to maximise visual privacy to all adjoining boundaries.</p> <p>The proposal incorporates a variety of privacy treatment measures to mitigate overlooking towards neighbouring properties including translucent glazing and varied sill heights.</p>	Yes

		<p>The proposed roof terrace is above a single storey structure fronting Oxford Falls Road and is not expected to have any unreasonable privacy impacts.</p> <p>Having regard to the stated objectives of the control the proposed design will provide improved light and air movement, while continuing to maintain appropriate levels of visual and acoustic privacy to adjoining sites.</p>	
D9 – Building Bulk	<p>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>	<p>The new dwelling achieves the desired objectives to ensure that the development does not become visually dominant by virtue of its height and bulk, to ensure adequate daylight, solar access and privacy by providing spatial separation between buildings and to ensure that development responds to the topography of the site.</p> <p>The use of various materials/ fenestration, balcony elements and the like assist to break up the side wall plane.</p>	Yes

		<p>and create a characterful facade.</p> <p>Different elements such as screens, roof form, landscaping planters / balcony elements and the like also assist to break up upper storey addition to satisfy this objective.</p> <p>Accordingly, the dwelling is consistent with the established pattern of development along Oxford Falls Road and surrounding areas.</p>	
D10 – Building Colours and materials		<p>The proposed new works will be finished in colours which complement the existing development on site and the locality.</p> <p>The proposed colours and finishes are detailed in the Schedule of External & Finishes accompanying the application.</p>	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The proposed new dwelling comprises a roof form that is complementary to the character of the locality and it is not expected to 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 External & Finishes. 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	No new fences are proposed.	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 within proposed garage.	Yes
D16 – Swimming Pools and Spa Pools	N/A – no pool proposed	N/A	N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposal continues to allow for passive surveillance to Oxford Falls Road.	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
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where	The proposal is not intended to adversely affect any significant or protected planting.	Yes

	impacts to trees are presented.	The details propose landscaping at the front and rear of the site will consist of multi-level planting to enhance the setting of the building and the streetscape.	
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		There are no significant features within the existing 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 and B.	The land is within Area A & B on the Landslide Risk Map of WLEP 2011. In consideration of the provisions of clause E10 of WDCP 2011, a Geotechnical Assessment has been prepared by White Geotechnical Group dated 12 June 2025 has been submitted The works will be carried out in accordance with the recommendations of the Geotechnical Report and the consulting Structural Engineer and will therefore satisfy the	Yes

		provisions of this clause.	
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 construction of a new multi-level dwelling, including a garage, new driveway 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 construction of a new dwelling, including a garage, new driveway and associated landscaping which will not have an unreasonable or detrimental impact on the adjoining properties or the locality.

The proposal is a site-specific design response which takes advantage of the property's 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 building height is comparable to surrounding dwellings with floor space appropriately distributed across the site. The building displays a complementary and compatible building form when compared to other development located along this section of Oxford Falls Road and within the site's visual catchment generally.

The generous 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 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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