



**32 TIPPERARY AVENUE
KILLARNEY HEIGHTS**

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR ALTERATIONS AND ADDITIONS TO A DWELLING
INCLUDING A NEW FIRST FLOOR LEVEL**



Report prepared for
Daniela and Sam Rossington
May 2024

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Clause 4.6 (Building Height)

1. Introduction

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling house, including ground and lower ground floor alterations and a first-floor addition, to create a 5 bedroom dwelling on the site.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- Site visit
 - Site Survey prepared by CMS Surveyors
 - DA Plans prepared by Action Plans
 - BASIX Certificate prepared by Action Plans
 - Stormwater Plans prepared by Taylor Consulting
 - Preliminary Geotechnical Assessment prepared by AscentGeo
 - Cl. 4.6 variation request (building height) prepared by Watermark Planning
 - Waste Management Plan
- 1.4 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site.

2. The site and its locality

- 2.1** The subject site is located on the eastern side of Tipperary Avenue, in Killarney Heights, at its intersection with Mayo Place. The site is legally described as Lot 491DP 218045 and is known as 32 Tipperary Avenue.
- 2.2** It is an irregularly shaped lot with boundaries of 24.585 metres (west – Tipperary Avenue frontage), 9.715 metres (east – rear), 37.795 metres (north – side boundary), 41.455 metres (south - side boundary). The site has an area of 697.7m² and slopes to the east, towards the rear of the lot.
- 2.3** The site is currently occupied by a one storey brick & clad house with a lower ground area, a tile roof, decking and a single carport. It has vehicular access from Tipperary Avenue and is set within residential landscaped grounds.
- 2.4** The property is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops at Killarney Heights Village and public transport services on Rathowen Parade and Starkey Street. Killarney Heights High School and Oval lie to the north-west.



Figure 1. Aerial Image of the subject site

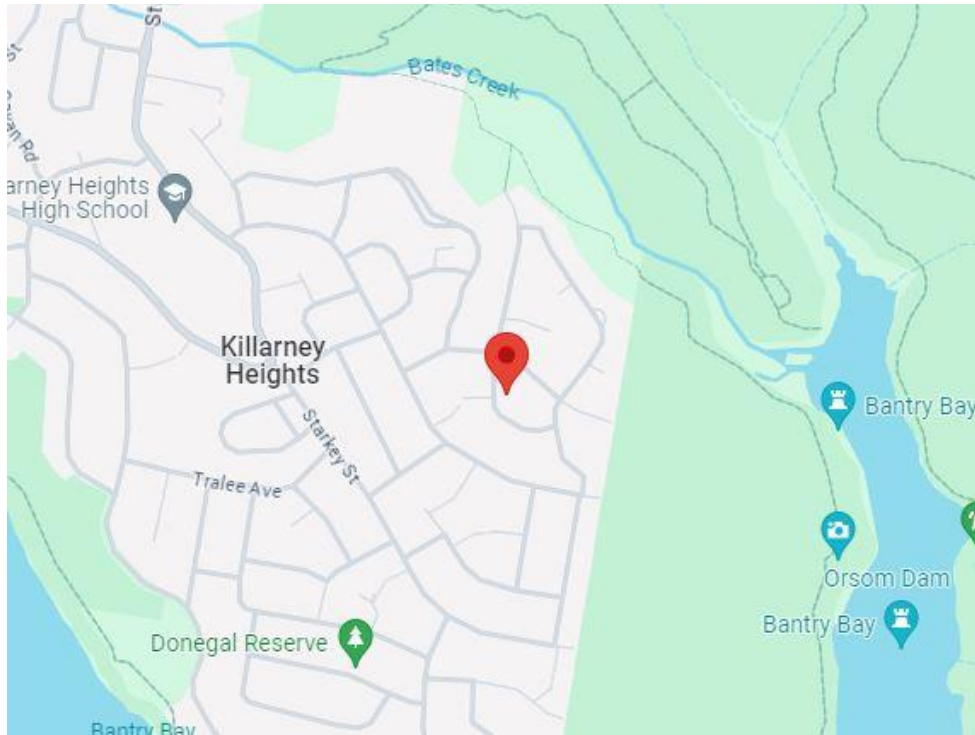


Figure 2. The site within the locality



Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4. The western (front) elevation of the existing dwelling, looking north-east from Tipperary Avenue



Figure 5. The front yard and proposed location of verandah and landscaping



Figure 6. The rear of the dwelling, looking west



Figure 7. The existing rear deck and lower ground area, looking north-west



Figure 8. The front of the property, looking east



Figure 9. The northern boundary and neighbouring dwelling, looking west



Figure 10. The southern boundary and neighbouring dwelling, looking south-west

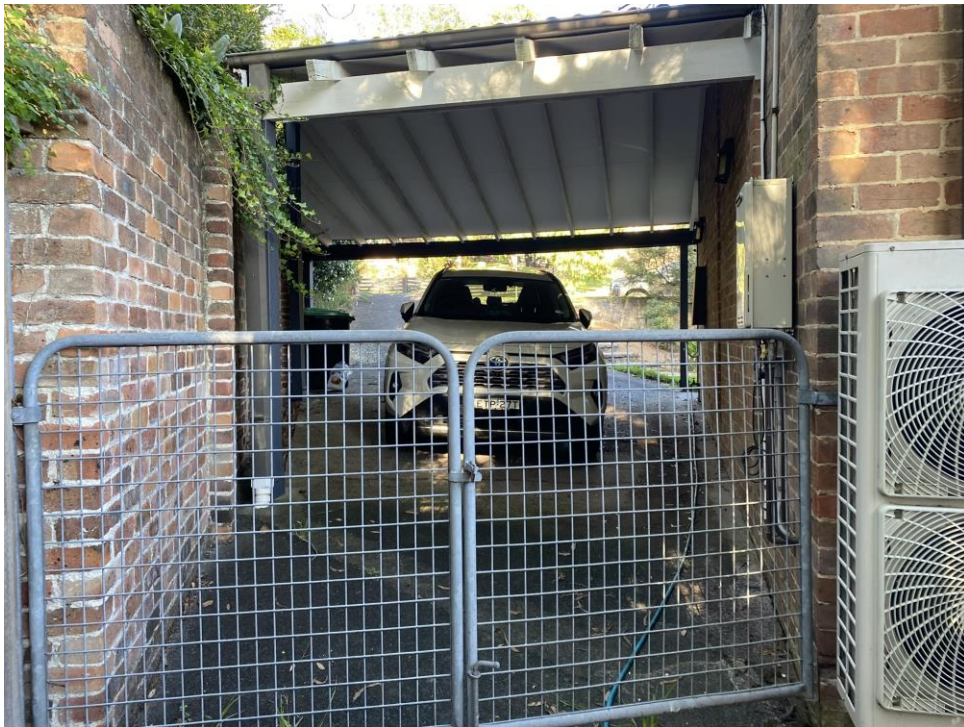


Figure 11. The existing carport, looking west towards Tipperary Avenue

4. Proposed Development

4.1 The proposed development is for alterations and additions to an existing dwelling house, including ground and lower ground floor alterations and a first-floor addition, to create a 5 bedroom dwelling on the subject site.

4.2 Specifically, the development will be made up as follows:

Lower Ground Level

- Demolition of the laundry and removal of bathroom fittings,
- Conversion of bedroom 4 to storage,
- Construct a new rumpus room with powder room,
- New laundry,
- Stairs to access ground floor,
- New storage area,
- Demolition of retaining walls,
- New paved rear outdoor terrace with new retaining wall and seating,
- New steps to upper-level deck and garden level.

Ground Floor

- Demolition of balcony and stairs,
- Demolition of powder room, bathroom, kitchen, storage, robe and adjacent wall, and front wall, of bedroom 2, internal and front walls of lounge room,
- Demolition of front verandah flooring, front path and front garden retaining walls,
- Bedrooms 1 and 3 to be retained,
- New front verandah decking and posts,
- New front fence, gates and path,
- New bathroom fittings,
- New entry with mudroom and new staircase to access lower ground and first floor,
- New open plan kitchen/living/dining area,
- New window and door opening,
- New paved, covered deck with skylights and stairs to terrace below,
- New roof to existing carport.

New First Floor

- Master bedroom with WIR and ensuite,
- Staircase to access the ground floor and living room,
- Bedrooms 4 & 5 with built-in robes,
- Bathroom,
- Skylights over the stairs and bathroom,
- Balcony off the living room (western facing).

5. Statutory Framework

5.1 State Environmental Planning Policies

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any significant native trees or vegetation. Refer attached Arborist Report.

Chapter 6 – Water Catchments

The site is located within the Sydney Harbour Catchment and Council is the Consent Authority for land-based development, as is proposed by this application.

The proposed development is consistent with the aims of the SEPP having nil impact on the catchment. It is not visible from critical and valuable areas and the Sydney Harbour Catchment will retain its environmental and cultural significance. No Heritage Items nominated in the SEPP are in the immediate vicinity of the site.

The development proposed is appropriate for the residential lot and will have no impact on the retention of significant environmental and cultural aspects of the Sydney Harbour Catchment.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

Warringah Local Environmental Plan 2011

The relevant clauses of the Warringah Local Environmental Plan 2011 are addressed below.

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environmental Plan 2011. The proposed development is for alterations and additions to a dwelling house and dwelling houses are permitted with development consent in the R2 zone.

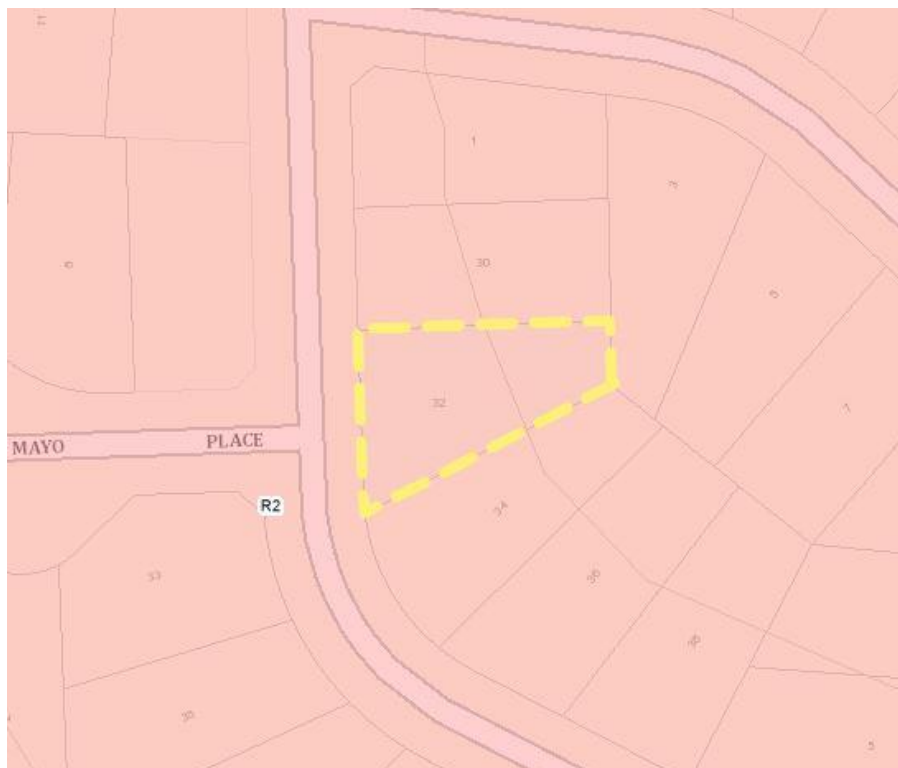


Figure 12. Extract from Warringah LEP 2011 Zoning Map

Demolition

Demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Minimum Lot Size

The site is mapped with a minimum lot size of 600m². The subject site comprises a compliant area of 697.7m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. The development proposes a maximum height of 9.268 metres, when measured in accordance with *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582*. This results in a variation of 0.768 metres or 9%. The variation occurs at the northern point of the ridge line at the first floor level.

The proposed maximum building height is compliant at 8.417 metres (illustrated on the cross section, as well as the 3D height blanket prepared by Action Plans when measured in accordance with the previously applied *Bettar judgement* (see Figure 13 below).

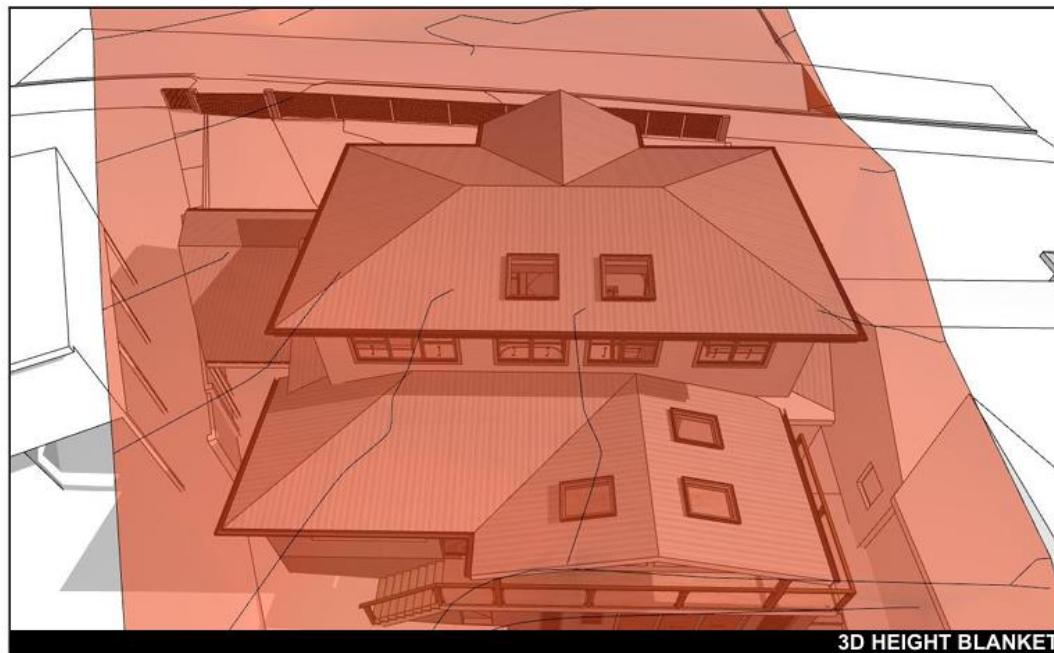


Figure 13. 3D Height Blanket prepared by Action Plans illustrating compliance with the maximum height control using the *Bettar* calculation method.

A Clause 4.6 variation request is provided with this application.

Floor Space Ratio

The site is not identified on the floor space ratio map.

Heritage Conservation

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to any heritage items.

Flood Planning

The site is not identified on the flood planning map.

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

Minimal earthworks are proposed to prepare the site for construction.

Standard erosion and sediment control measures will be implemented and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area B – Flanking Slopes 5 to 25. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

The attached geotechnical preliminary assessment demonstrates the proposal complies with Council controls.

5.2 Warringah Development Control Plan

The relevant sections of the DCP are addressed below.

Part A Introduction

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part B Built Form Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted by the DCP. The development proposes a maximum wall height of 3.266 metres on the southern side (southern elevation of kitchen). The maximum wall height on the northern side of 6.878 metres is retained (to underside of new roof). Refer attached plans DA09 and DA10.

Side Building Envelope

The site requires a side boundary envelope of 4m/45°. The proposal development results in a small breach on the northern side of the dwelling, to both the existing ground floor level (being the new roof) and predominantly the eave to the new first floor level (bedrooms 4 & 5).

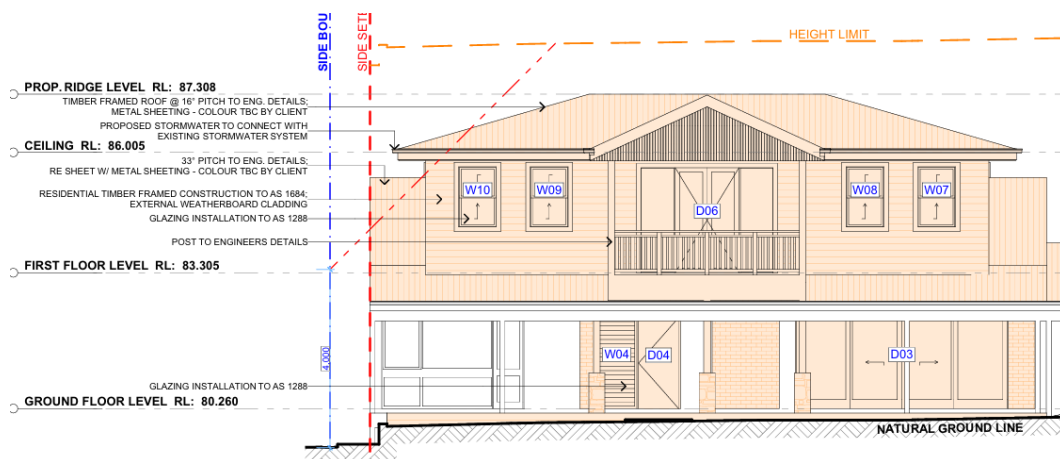


Figure 14. Extract from plans showing breach to side boundary envelope on the northern side of the dwelling

It is noted that there is an existing non-compliance to the side boundary envelope numerical control. Figure 15 below shows the existing elevation which is located within the side boundary envelope.



Figure 15. The north elevation of the existing dwelling on the subject site

A variation to the side boundary envelope is considered appropriate, in this case, as the development remains consistent with the objectives of the control, despite the variation, as addressed below:

Objectives of the control:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*

Comment

The proposed development is for a modest first floor extension and the building design has compliant side setbacks, with the first floor having a reduced footprint to the ground level. Further, the dwelling will not visually dominate, or present with excessive bulk when viewed from neighbouring properties or Tipperary Avenue.

- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

Comment

The shadow diagrams included with this application, demonstrate that the proposed development maintains compliant solar access, with direct sunlight available to more than 50% of the private open space of the subject site and the adjoining dwellings at 9am and 12pm on June 21. All rooms provide BCA compliant access to light.

Privacy will be retained for neighbours with compliant setbacks proposed and no direct overlooking into any key living areas. The existing ground floor is visually separated from the neighbouring properties by the side boundary fencing. A number of privacy measures have been incorporated into the design including skylights, offset windows, privacy glazing and high sill heights.

The existing ground floor level on the northern side, which currently breached the permitted side boundary envelope, has limited window openings (refer Figure 14). It is also worth noting that the neighbouring dwelling at No. 30 Tipperary Avenue has only one window on its southern side.

It is considered that the alterations and additions allow for appropriate spatial separation between the subject site and adjoining dwellings.

- *To ensure that development responds to the topography of the site.*

Comment

The subject site slopes towards the rear of the lot, the proposed design responds to the existing built form and the topography of the site.

It is concluded that the proposed variation will have no impacts on neighbouring properties and remains consistent with the objectives of this clause, despite the non-compliance.

Side Boundary Setbacks

Side setbacks of 900mm are permitted on the subject site.

The development proposes compliant minimum side setbacks, including:

<u>Ground Level:</u>	<u>First Floor Level:</u>
910mm (north)	2.146m (north)
900mm (south)	3.58m (south)

Front Boundary Setback

A minimum primary front setback of 6.5 metres and the development proposes a compliant setback of 9.034 metres to the covered verandah.

Rear Boundary Setback

The DCP requires a minimum rear setback of 6 metres and the development proposes a compliant setback of 14.778 metres.

Part C Siting Factors

Traffic Access and Safety

The subject site has an existing concrete driveway and single carport, which will be retained.

Parking Facilities

The DCP requires a minimum 2 car parking spaces and a maximum width of garage openings of 6 metres or 50% of the building width (whichever is lesser).

The development proposes to retain the existing carport. A second stack parking space is available in the driveway, providing a compliant 2 onsite car parking spaces.

Stormwater

Stormwater runoff resulting from the proposed development will be connected to the existing drainage infrastructure on the site.

Excavation and Landfill

Minimal earthworks are proposed as a part of the development, primarily to facilitate the new alfresco area and paving at the rear of the dwelling.

Standard erosion and sediment control measures will be implemented, and any engineering specifications and conditions of consent adhered to, to ensure best practice procedures are followed.

Demolition and Construction

Demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Waste Management

Appropriate waste management will be undertaken during the demolition and construction process. All waste materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The existing dwelling has compliant bin storage areas, with waste to be collected by Councils regular service.

Part D Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site which is equivalent to 279.08m² for the site area of 697.7m².

The development proposes a landscaped area of 33.23% (231.91m²), which represents an improvement to the existing landscaped area of 30.56% (213.28m²), being an additional 18.63m².

A variation to the landscaped area control is considered appropriate, in this case, as the development remains consistent with the objectives of the control, despite the variation, as addressed below:

Objectives of the control:

- *To enable planting to maintain and enhance the streetscape.*

Comment

The site maintains sufficient area to enable onsite planting for the enhancement of the streetscape. The development proposes the removal of the existing paved entry stairs to the front of the dwelling with soft landscaping which will improve the appearance of the front setback to Tipperary Avenue.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

Comment

Not relevant to the subject site.

- *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.*

Comment

There is sufficient area for the retention and establishment of low-lying and medium shrubs and canopy trees.

- *To enhance privacy between buildings.*

Comment

As discussed in detail, earlier in this report, privacy is easily maintained between dwellings, with compliant building setbacks and privacy measures incorporated into the building design.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*

Comment

Appropriate outdoor recreation areas will be maintained and enhanced including the new alfresco area, refurbished deck, and the landscaped areas at the rear of the site.

- *To provide space for service functions, including clothes drying.*

Comment

There is sufficient area to accommodate service functions including clothes drying.

- *To facilitate water management, including on-site detention and infiltration of stormwater.*

Comment

Stormwater from the proposed alterations and additions will be connected to the existing drainage infrastructure on the site, refer to the attached stormwater plans.

Private open space

The DCP requires a minimum 60m² private open space (with minimum dimensions of 5 metres) and the development provides a compliant private open space area of 60m² for the enjoyment of residents.

Noise

The development will not result in noise levels inappropriate to the residential area. The site is not located in close proximity to a noise generating activity.

Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by this clause DCP.

The following observations are made of the shadow diagrams included with this application:

9am – The development will result in shadowing to the front and yard of the subject site and a small section of the southern side of the dwelling. A negligible increase to the neighbouring property to the south will occur.

12pm – The development will result in a minor increase in shadowing across the subject site and to the northern side of the southern neighbour.

3pm – The development will result in a minor increase in shadowing to the front setback of the subject site and to the rear yard of the southern neighbour.

It is concluded that the development allows for the retention of compliant solar access to be retained at 9am and 12pm for the subject site and adjoining dwellings.

Views

A site visit has been undertaken and it is concluded the development will not result in any view loss impacts.

Privacy

Privacy will be retained for neighbours with compliant setbacks and no direct overlooking into any key living areas. Privacy screening is provided to the northern side of the rear alfresco area.

The alterations and additions incorporate a number of privacy measures including offset windows, privacy glazing, high sill heights and the use of skylights. Minimal new window openings are proposed on both the northern and southern sides of the dwelling.

Building Bulk

The proposed alterations and additions do not create inappropriate building bulk, with the resulting dwelling providing an attractive and appropriate addition to the street. The development is considered appropriate for the residential setting.

Building Colours and Materials

The proposed building materials include metal roofing, weatherboard cladding and Velux skylights which are consistent with the residential surrounds.

Roofs

The development proposes a compliant roof pitch of 16°. The roof design is consistent with the existing dwelling and residential character of the area.

Glare & Reflection

Materials have been chosen to ensure no glare or reflection issues.

Site Facilities

All site facilities including a bin storage area, mailbox and clothes drying facility are provided on the site.

Fences

A new 1.2 metre high front fence and pedestrian gate is proposed. The front fence will complement the existing street character of Tipperary Avenue and its design will allow for casual surveillance of the street.

Safety and Security

An ability to view the street frontage is retained which is to the benefit of safety and security of residents.

Conservation of Energy and Water

The design has achieved a BASIX Certificate which accompanies the application.

Part E The Natural Environment

Preservation of Trees or Bushland Vegetation

The development does not propose to remove any significant trees.

Wildlife Corridors

The site is not identified on the DCP wildlife corridor map.

Native Vegetation

The site is not identified on the DCP native vegetation map.

Retaining unique Environmental Features

The site contains existing rock outcrops which will be retained.

Waterways and Riparian Lands

The site is not identified on the DCP waterways and riparian lands map.

Landslip Risk

The site is located in the area nominated in the LEP maps as Area B – Flanking Slopes 5 to 25, and a Geotechnical Report is provided in support of the application.

Front Boundary Setback	6.5m	9.034m to front verandah	Yes
Rear Boundary Setbacks	6 metres	14.778m to rear deck at lower ground level	Yes
Parking	2 spaces	Existing carport and driveway to allow for 2 cars	Yes – no change
Landscaped Open Space and Bushland Setting	40% of lot area (279.08m ² for site area of 697.7m ²)	33.23% (231.91m ²)	Compliance with objectives achieved
Private Open Space	60m ²	60m ²	Yes
View loss			N/A
Solar Access	3 hours sunlight to 50% of POS of both subject site and adjoining properties between 9am and 3pm on June 21.	Complies	Yes

7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

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

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed development has been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The natural hazard of landslide risk has been assessed and it is concluded it can be effectively mitigated to allow the development to proceed.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposal fits well within the context of the surrounds and is an appropriate scale.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed development.

7.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8. Conclusions

- 8.1** The proposed development, for alterations and additions to the existing dwelling, including a new first floor level at 32 Tipperary Avenue, Killarney Heights is appropriate considering all State and Council controls.

- 8.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.

- 8.3** Considering all the issues, the development is considered worthy of Council's consent.

Planner Declaration

This report was prepared by:

Senior Planner: Susan May-Roberts

Report Version: Draft

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
08/05/2024	Susan May-Roberts Senior Planner	Sarah McNeilly Senior Planner

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