

STATEMENT OF ENVIRONMENTAL EFFECTS

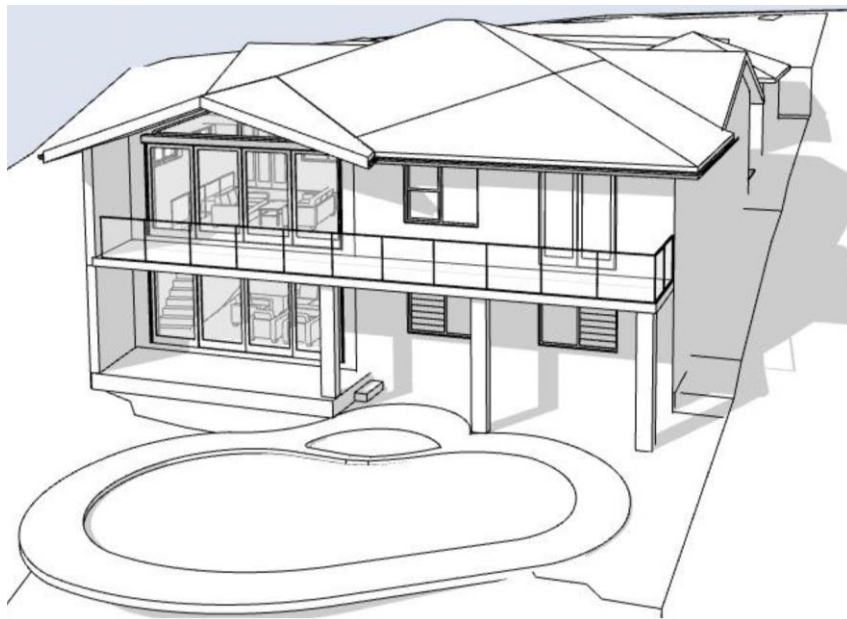
**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS
TO THE EXISTING DWELLING**

LOCATED AT

85 BALLYSHANNON ROAD, KILLARNEY HEIGHTS

FOR

LUKSHAN KATHRIARACHCHI & PRAMITHA JAYASUNDERA



**Prepared
February 2024**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	3
4.0	The Surrounding Environment.....	8
5.0	Proposed Development	9
6.0	Zoning and Development Controls	10
6.1	State Environmental Planning Policy (Resilience and Hazards) 2021.....	10
6.2	State Environmental Planning Policy (Sustainable Buildings) 2022	10
6.3	Warringah Local Environmental Plan 2011	10
6.4	Warringah Development Control Plan	12
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979.....	21
7.1	Any environmental planning instrument	21
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	21
7.3	Any development control plan.....	21
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.....	21
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph)	21
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.	21
7.7	The suitability of the site for the development.....	22
7.8	Submissions made in accordance with this Act or the regulations	22
7.9	The public interest.....	22
8.0	Conclusion.....	22

1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Sally Gardner Design and Draft, Drawings No. A1 – A6, E1, E2, N1 – N3, S1 – S7, Job No. 23-0607, dated 5 February 2024, detailing the proposed construction of alterations and additions to an existing dwelling at **85 Ballyshannon Road, Killarney Heights**.

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

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

- *The Environmental Planning and Assessment Act, 1979 as amended (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable 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 85 Ballyshannon Road, Killarney Heights, being Lot 2 within Deposited Plan 758566 and is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The site is not listed as a heritage item nor is it located within a conservation area.

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

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Risk Assessment has been prepared by Bushfire Planning Services, dated 5 February 2024 and accompanies this submission.

3.0 Site Description

The property is located on the south-western side of Ballyshannon Road. The site is irregular in shape with an arc-shaped frontage of 20.055m. The north-western and south-eastern side boundaries measure 43.555m and 44.355m respectively. The rear boundary measures 14.66m. The site has a total area of 842.6m². The site exhibits a fall away from the street, from levels of approximately 106.16m AHD at the front boundary down to levels 96.94m AHD at the rear boundary.

The site is currently developed with a one and two-storey brick dwelling with a tiled roof, together with a detached double garage and an inground swimming pool.. Vehicular access currently is available to the site from Ballyshannon Road via a concrete driveway, which enters the property at the northernmost point of the front boundary.

The details of the site are as indicated on the survey plan prepared by Bee & Lethbridge, Reference No. 22915, dated 27 June 2023 which accompanies the DA submission.

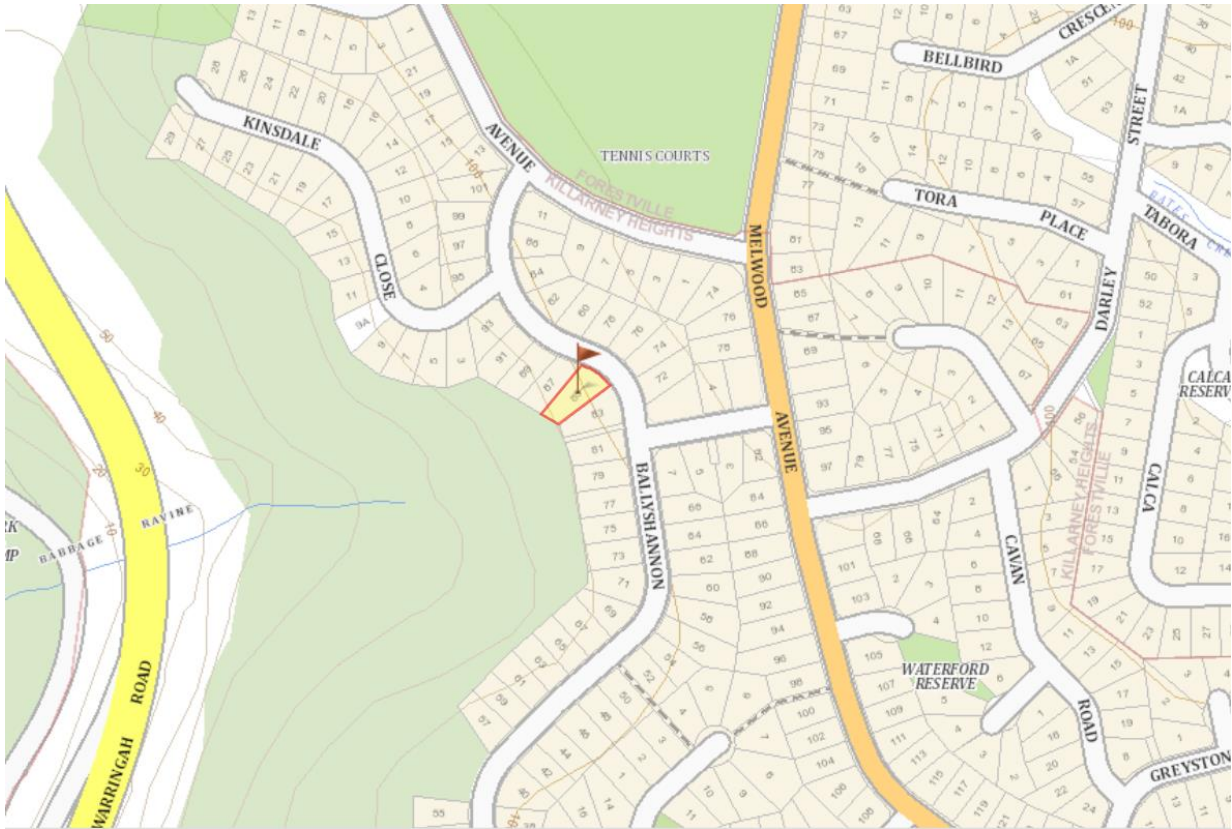


Fig 1: Location of Subject Site
(Source: Six Maps)

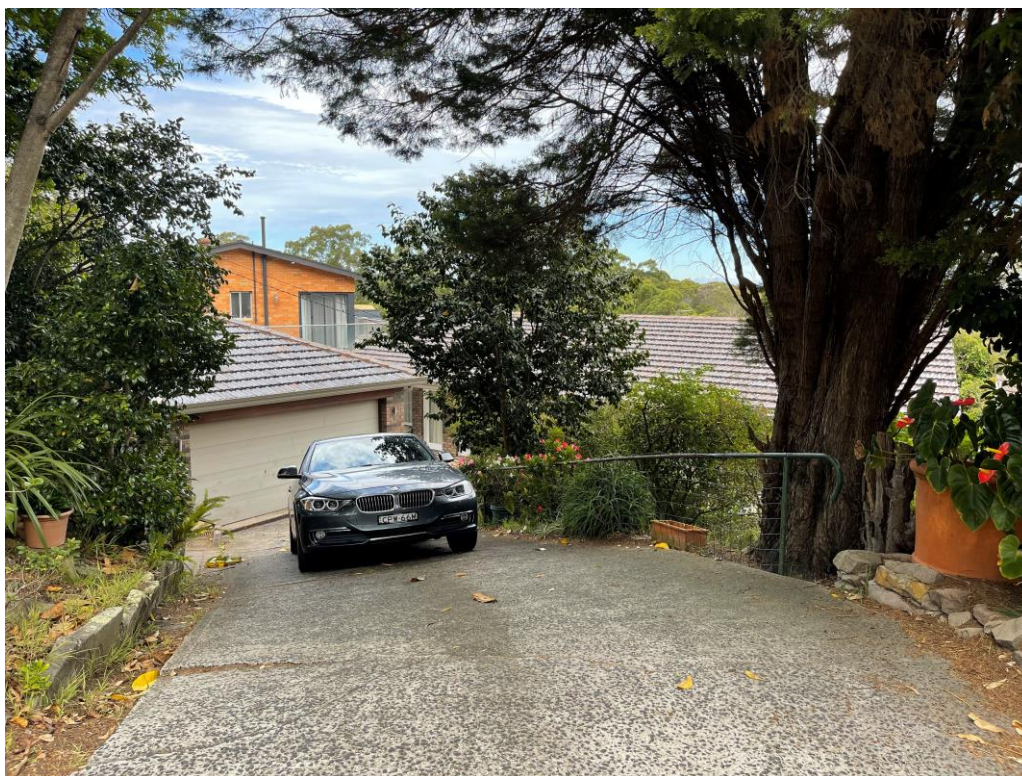


Fig 2: View of the subject site, looking south from Ballyshannon Road



Fig 3: View of the existing garage and dwelling, looking south-west



Fig 4: View of the existing rear elevation and location of proposed first floor alfresco and ground floor family room, looking north



Fig 5: View of the existing rear elevation (existing timber deck to be replaced), looking north-east



Fig 6: View of the neighbouring dwelling to the south-east of the site, looking east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of low density residential development, of varying density, age and character. The subject site and properties adjoining to the north and south are within the R2 Low Density Residential zone.

The rear boundary of the property adjoins Davidson Park and the Middle Harbour waterway.

Adjoining the site to the north-west is No. 87 Ballyshannon Road and to the south-east is No. 83 Ballyshannon Road both of which contain one and two storey dwellings respectively, similar to the existing dwelling on the subject site.

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

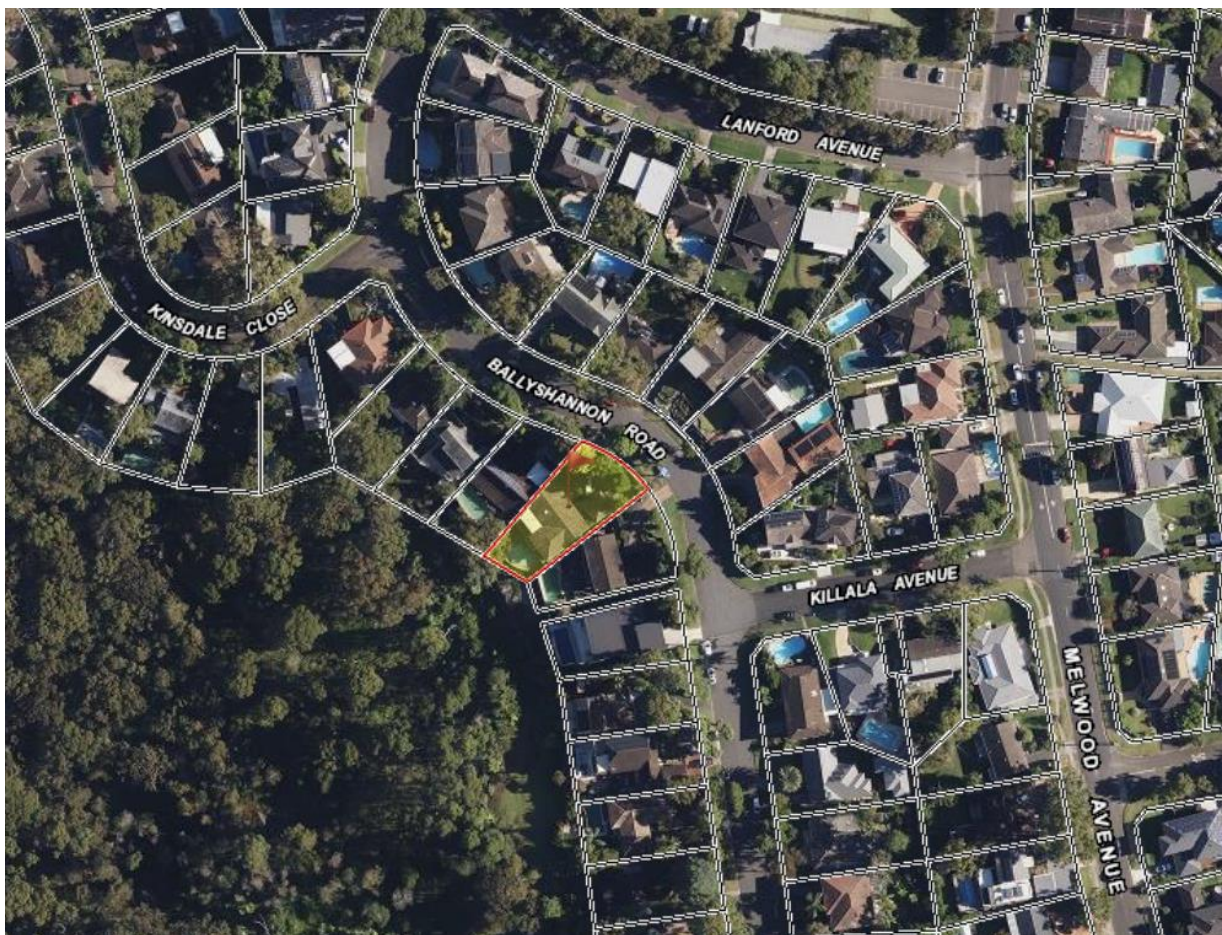


Fig 7: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans prepared by Sally Gardner Design and Draft, the proposal seeks approval for the construction of alterations and additions to the existing dwelling, which are located at the rear of the existing one and two storey dwelling.

The new works comprise the following works:

Lower Ground Floor

- Proposed alterations and additions to the existing lower ground floor to provide for new family room, bathroom, internal stair access to existing ground floor alfresco and attached verandah.

Ground Floor

- Proposed alterations and additions to the existing ground floor to provide for extension of existing alfresco and replacement and extension of the existing rear verandah.

The proposed new extension is generally located within the footprint of the existing dwelling, with the existing landscaped area to remain unchanged. The proposal will not see the loss of any existing significant vegetation.

The proposed works represent a high-quality design solution that will provide a significant enhancement to the amenity and usability of the existing dwelling. The resultant development is articulated, with skilful use of varied elements, roof forms and materiality to reduce bulk and scale.

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

The proposed external finishes comprise of complementary materials that will reflect the existing finishes and complement surrounding development.

The proposal results in the following development indices:

Site Area:	842.6m²
Required Landscaped Area:	40% or 337.04m ²
Proposed Landscaped Area:	32.52% or 274.04m ² (unchanged)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

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

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

6.2 State Environmental Planning Policy (Sustainable Building) 2022

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

6.3 Warringah Local Environmental Plan 2011

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

Development for the purposes of a dwelling house is permissible in this zone.



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 over 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 development will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other 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 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 for the site is 8.5m. The proposal provides for a maximum height of 7.211m measured above the existing ground level to new roof ridge. The height of the new structures will comply with Council's maximum building height control.

Clause 6.2 relates to earthworks. The proposal will not necessitate any significant excavation or site disturbance to provide for the new works. 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 B on Council's Geotechnical Risk Mapping.

A Preliminary Geotechnical Assessment has been prepared by White Geotechnical group, Report Reference J5354 dated 9 February 2024 to accompany this application, ensuring consistency with 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 of the proposed new works is 5.75m. Primary wall heights of the existing residence remain unchanged.	Yes
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope	Building envelope 45 degrees from 4m.	<p>The proposed north-western elevation will present a minor variation to the building envelope control to the western extremity of the northern elevation as noted in the submitted elevations (Drawing No. A4).</p> <p>Compliance with this control is constrained by the sloping topography of the site, together with the siting of the existing dwelling.</p> <p>The proposal is not considered to result in any unreasonable adverse impacts for neighbouring properties.</p> <p>Notwithstanding the minor variation to the building envelope control, the proposal is</p>	Yes – on merit

		in keeping with the provisions of this clause.	
B5 – Side Boundary setbacks	<p>R2 zoned land 0.9m</p> <ul style="list-style-type: none"> • <i>To provide opportunities for deep soil landscape areas.</i> • <i>To ensure that development does not become visually dominant.</i> • <i>To ensure that the scale and bulk of buildings is minimised.</i> • <i>To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</i> • <i>To provide reasonable sharing of views to and from public and private properties.</i> 	<p>South-East = 0.9m North-West = 0.9m</p>	Yes
B7 – Front Boundary Setbacks	<p>Minimum 6.5m</p> <ul style="list-style-type: none"> • <i>To create a sense of openness.</i> • <i>To maintain the visual continuity and pattern of buildings and landscape elements.</i> • <i>To protect and enhance the visual quality of streetscapes and public spaces.</i> • <i>To achieve reasonable view sharing.</i> 	<p>The proposed works are sited to the rear of the dwelling and will not see any change to the existing front setback.</p>	N/A
B9 – Rear Boundary Setbacks	<p>Min 6m rear setback.</p>	<p>The proposed new rear verandah will stand 5.9m from the rear</p>	No

		<p>boundary and therefore presents a minor variation to this control.</p> <p>The majority of the dwelling readily complies with the rear setback control, and the new works are considered to maintain suitable privacy, solar access and overall amenity for neighbouring properties.</p> <p>Notwithstanding the minor variation to the rear setback control, the proposal is considered worth of support on merit.</p> <p>No change to existing pool</p>	N/A
Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing crossing to remain.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	The proposal incorporates no changes to the existing car parking arrangement.	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 roof area and the collected stormwater from the roof areas will be largely unchanged as the structures are predominantly over existing developed area of the site.	Yes

		Stormwater from the new roof areas will be directed to the existing system which disperses stormwater within the rear yard.	
C5 – Erosion and Sedimentation	Soil and Water Management required	Suitable sediment and erosion control measures to be provided during construction.	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 Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group 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 available within the site.	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 proposal will not see any change to the existing landscaped area.</p> <p>The works are located over the existing disturbed footprint will not see any change in the extent of soft landscaping within the site.</p> <p>The proposed new alfresco and deck areas will improve the function of the outdoor recreation space, without any consequent reduction in landscaped area.</p>	Yes – on merit

D2 – Private Open Space	Min 60m ² with min dimension 5m	The proposal will maintain the existing area of private open space within the rear yard.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The proposed residential works are not considered to result in any acoustic impacts.	N/A
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	A BASIX Certificate has been submitted with the application.	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 proposal substantially retains the existing building and its current form. As detailed in the submitted shadow diagrams, suitable solar access will be maintained within the rear yard between 12pm and 3pm.	Yes
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 view corridors. Suitable views will be retained for uphill properties which are substantially	Yes

		elevated above the subject property.	
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed development has been designed to maximise privacy for both occupants of the dwelling and adjoining properties with blade walls provided to the north-western edge of the proposed verandahs to minimise opportunities for overlooking.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The bulk and scale of the proposed development is compatible with surrounding built form.	Yes
D10 – Building Colours and materials		The 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 of the alterations and additions are maintained below the height limit and the height of adjoining and nearby properties.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	No glare impacts anticipated.	N/A

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 front fencing proposed.	N/A
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.	No change to existing 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
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	N/A	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 will remain available from the dwelling to the street.	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 submitted.	Yes

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	The proposal will not result in the loss of any significant vegetation.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No unreasonable impacts to significant features within site.	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	The site is identified within Area B on Council's Geotechnical Risk Mapping. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group and dated 9 February 2024, to accompany this application, ensuring consistency with the provisions of this clause.	Yes
E11 – Flood Prone Land			N/A

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 the variation to the rear setback and building envelope 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 alterations and additions to an existing dwelling.

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 2011 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 in the public interest.

8.0 Conclusion

The proposal provides for the construction of alterations and additions to an existing dwelling, which will not have a detrimental impact on the adjoining properties or the locality.

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

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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