

# **STATEMENT OF ENVIRONMENTAL EFFECTS: DWELLING HOUSE & SWIMMING POOL**



**Subject Site: 1 Lanford Avenue, Killarney  
Heights**

**PREPARED ON BEHALF OF: Justin Smith**

Revision No.2  
Date: 28 November 2022  
Ref No. 1LAKH



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## 1. EXECUTIVE SUMMARY

The Statement of Environmental Effects has been prepared by Polaris Planning and Development on behalf of Justin Smith. The purpose of this report is to accompany a Development Application submitted to Northern Beaches Council ("Council") seeking consent for the construction of a two (2) storey dwelling house with a swimming pool at the rear on land at 1 Lanford Avenue, Killarney Heights.

This application has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 2021* and this statement provides an assessment against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The purpose of this statement is in support of the subject application before Council and will address the following:

- The site and its surrounding context;
- Details of the proposal;
- Consideration of the relevant statutory provisions applicable;
- Associated environmental impacts of the use and how those impacts are mitigated;
- Provide a recommendation for the proposed to assist in the assessment and determination of the application by Council.

The proposal has been reviewed by Polaris Planning and Development in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

This statement demonstrates that the proposed is an acceptable form of development that is responsive to the site and satisfies the intended objectives of the zone. The proposed does not unduly result in significant adverse impacts upon the surrounding environment, streetscape or surrounding properties.

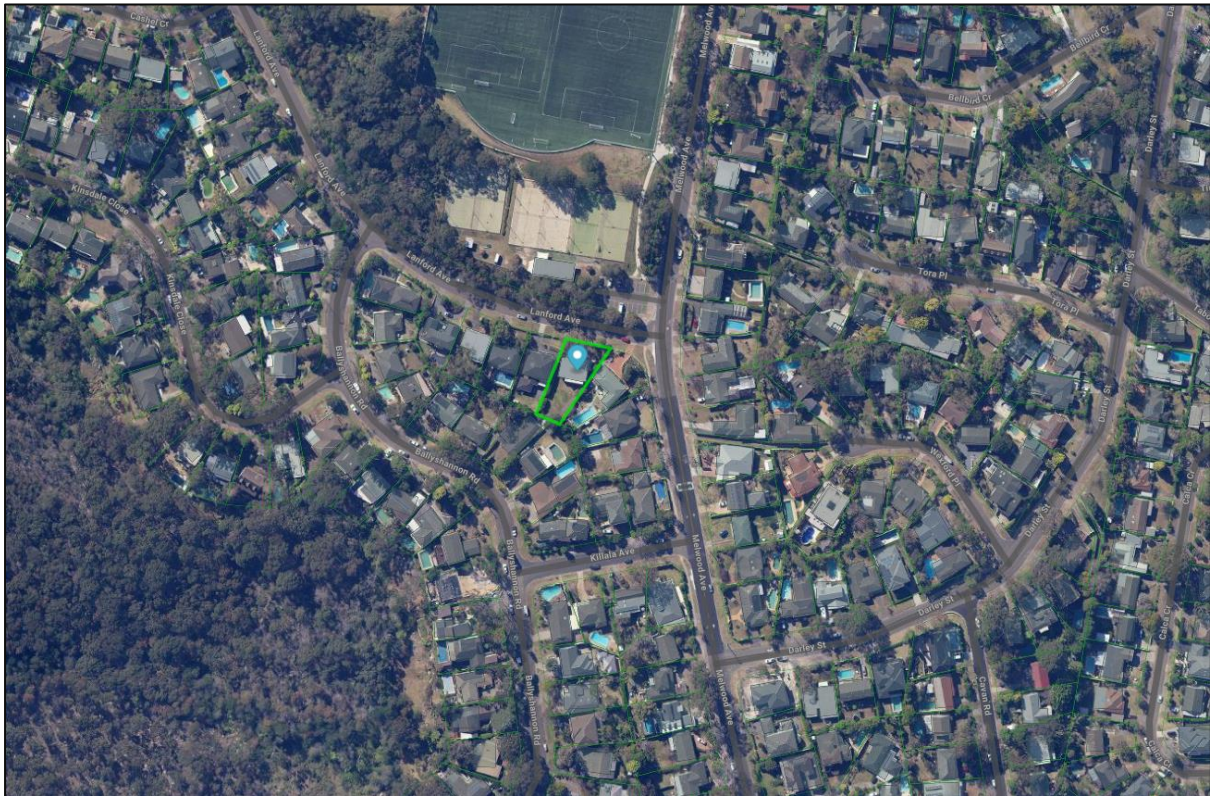
Furthermore, the proposal is suitable for the site and not considered to raise any issues which would be contrary to the public interest. It is recommended that a favourable determination be sought by Council.



## 2. SITE DETAILS

Site Identification	
Lot No.	6
Section:	-
Deposited Plan No.	DP 246526
Address:	1 Lanford Avenue, Killarney Heights
Lot Area:	859.9m <sup>2</sup>
Environmental Planning Instrument applying to the land:	Warringah Local Environmental Plan 2011
Site Dimensions	
Shape:	Irregular
Frontage	24.385 metres to Lanford Avenue
Eastern boundary (Side):	49.340 metres
Western boundary (Side):	43.600 metres
Southern boundary (Rear):	14.02 metres
Existing Development	
Existing Use:	Dwelling House
Structures:	Single storey dwelling house with attached and ancillary structures
Topography	
Slope:	Relatively flat
Notable topographical features:	No notable topographical features.
Zoning and Surrounding Development	
Zoning:	R2 Low Density Residential
Surrounding Zones:	RE1 Public Recreation C1 National Parks and Nature Reserves SP2 Infrastructure Classified Road
Existing Surrounding Development	Surrounded by a diverse mix of lower density residential developments each varying in age, scale and architectural style. The site is also within the vicinity of recreational facilities and parklands.





**Figure 1:** Aerial photograph of subject site.

### 3. THE PROPOSAL

The proposal seeks Council's Consent for the construction of a two (2) storey dwelling house with a swimming pool at the rear. The proposal also encompasses the construction of a new driveway crossover accessed via Lanford Avenue, drainage works and associated landscape works. A detailed breakdown of the internal layout of the dwelling is as follows:

#### Ground Floor (RL 114.00):

The ground floor of the development includes a two (2) car garage, mower/garden room, a sauna, open plan living, dining and kitchen area, a butlers pantry and attached laundry, an office, a communal bathroom, a master bedroom which includes an ensuite and walk in robe.

#### First Floor (RL 117.40):

Four (4) bedrooms, a walk in robe for bedrooms 2, 3 and 4, two (2) shared bathrooms and a lounge room.

#### External works:

Works external to the buildings footprint include a courtyard within the front setback and a 1 metre landscaped area, a landscaped for court on the eastern side of the





building, an alfresco attached to the rear elevation and a swimming pool at the rear.

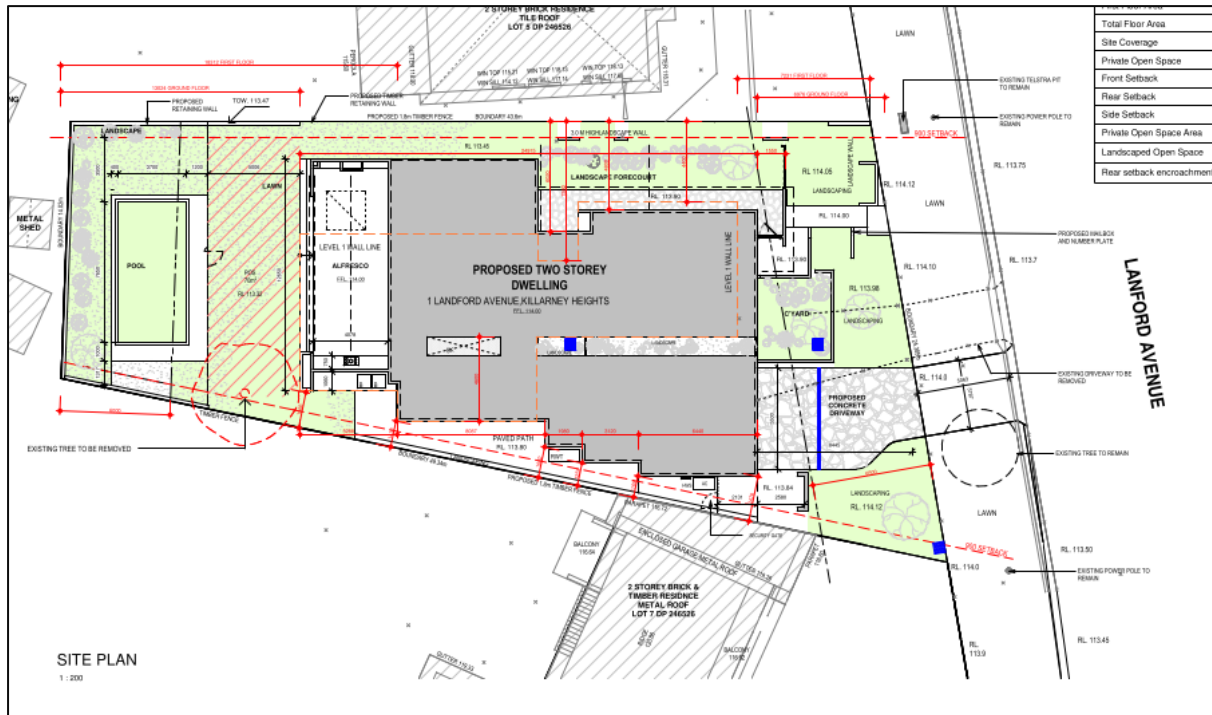


Figure 2: Proposed site plan.

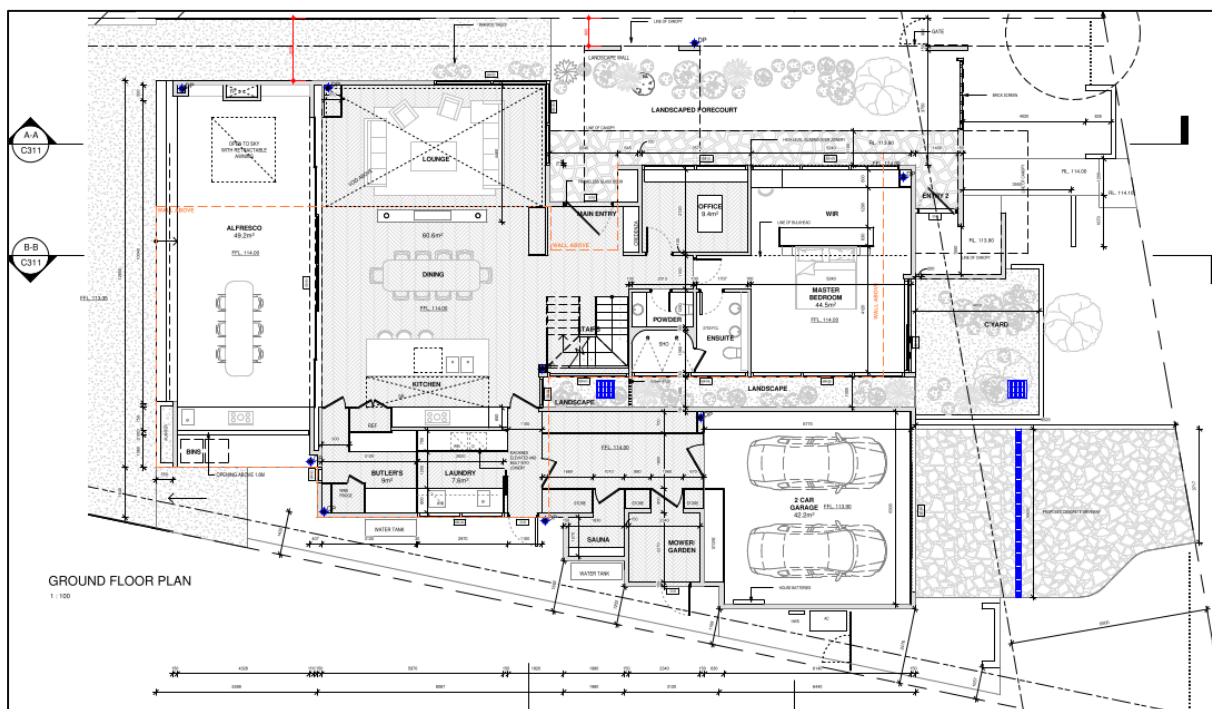


Figure 3: Proposed ground floor plan.



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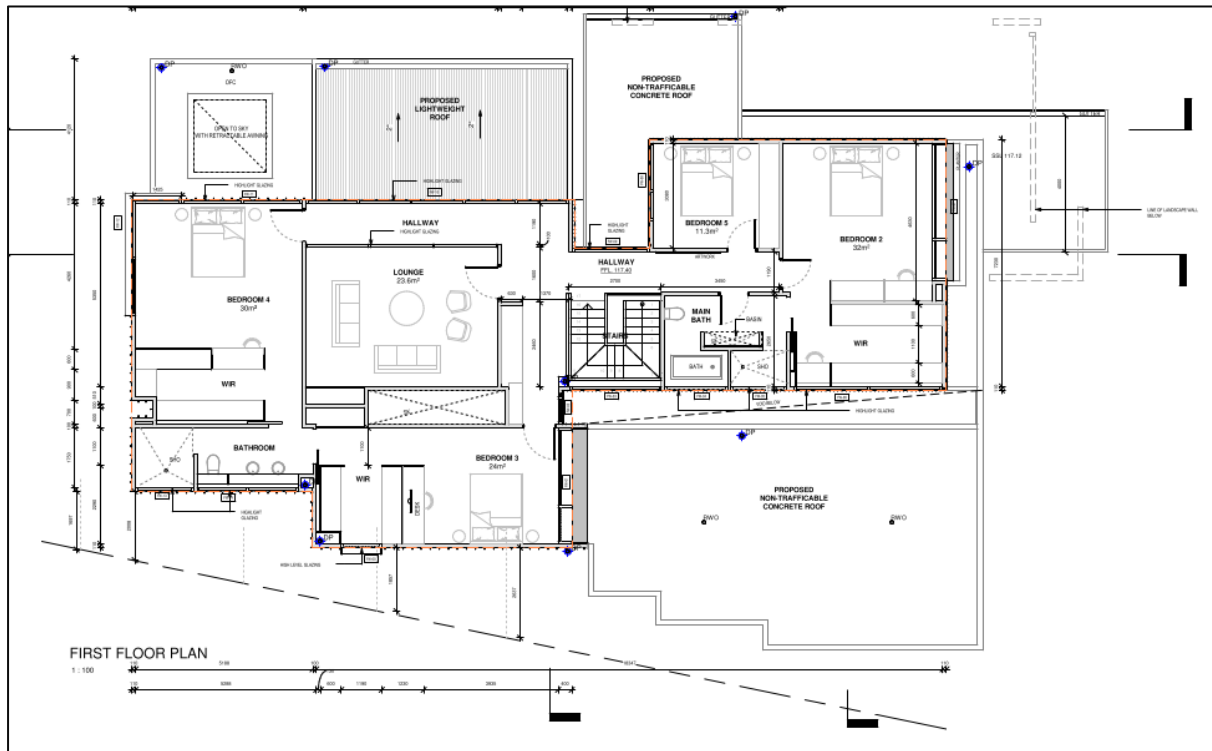


Figure 4: Proposed first floor plan.

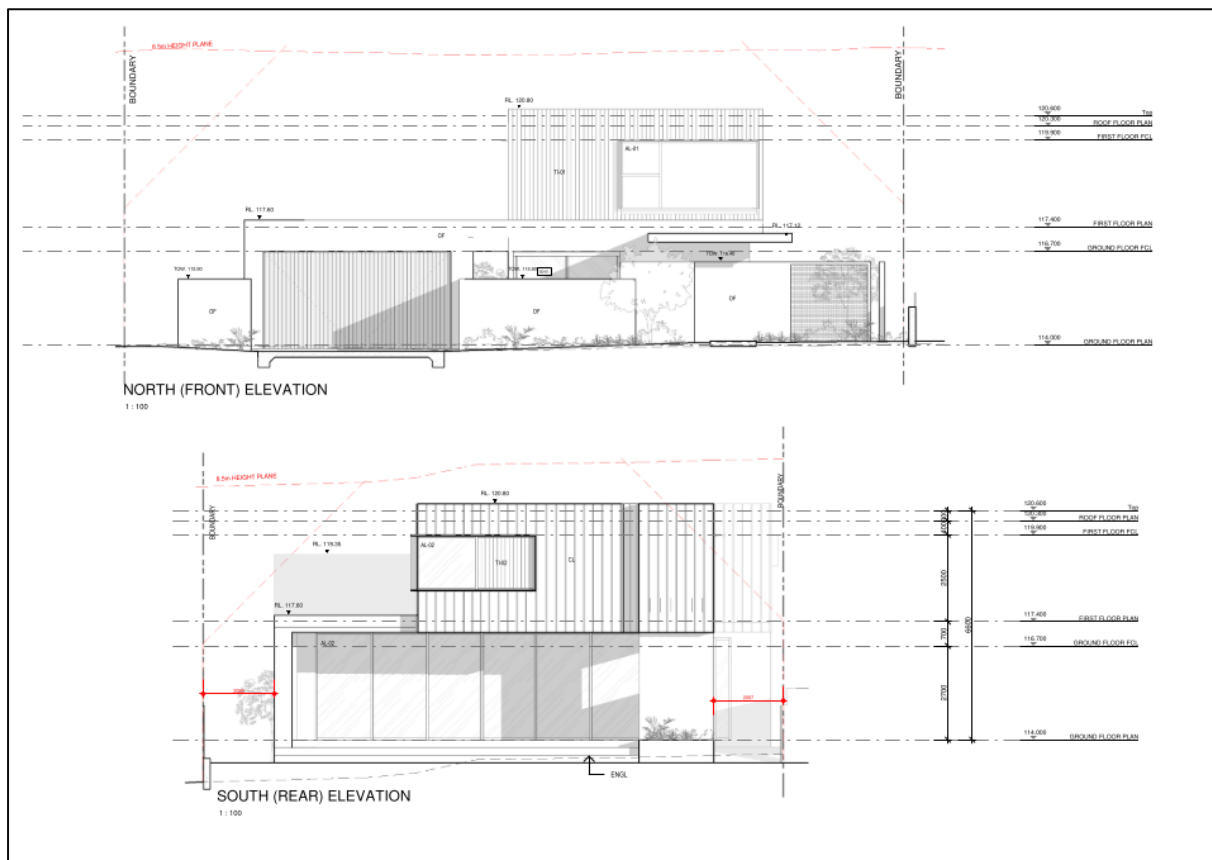
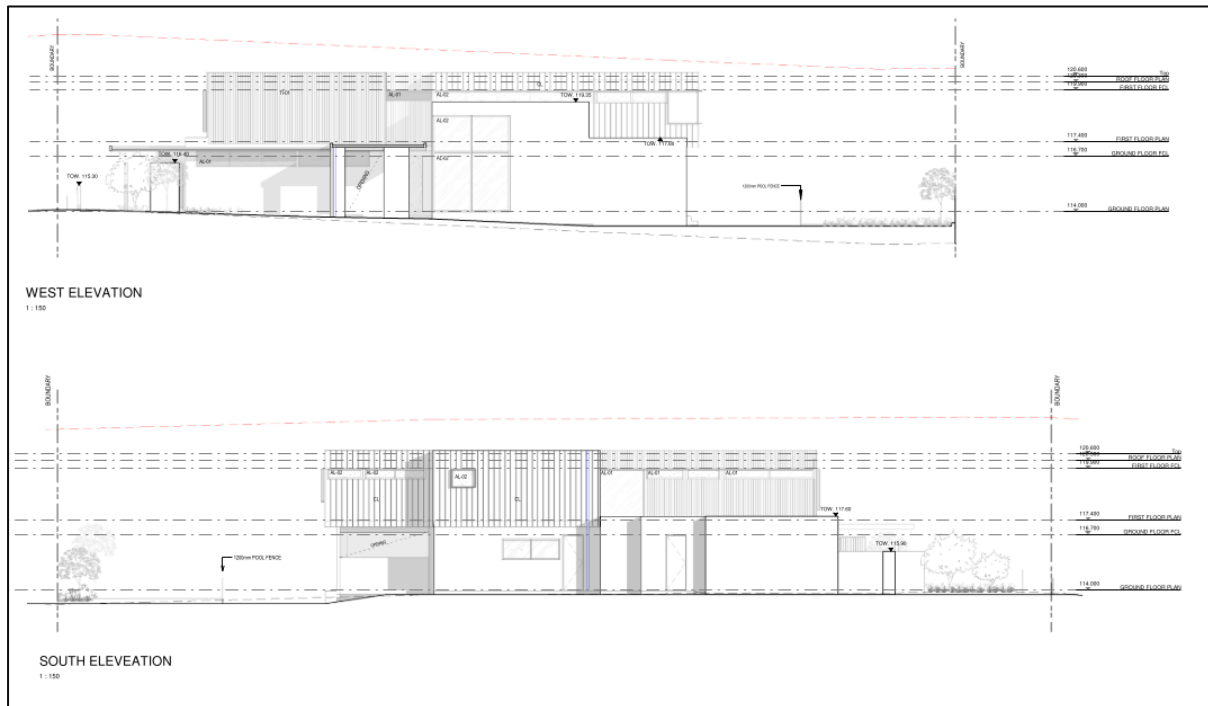


Figure 5: Front and Rear elevations





**Figure 6:** Northern and Southern (side) elevations.

## 4. PLANNING FRAMEWORK

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposal does not impact on bushland (Non-rural and Urban areas). The subject site is neither within the vicinity of the River Murray Lands, Sydney Harbour, Georges River, Neapean River or Sydney Water Drinking Water Catchments. The proposed is not a Canel Estate development or a Strategic Foreshore Site. Therefore, the provisions of these chapters of the SEPP are not considered applicable in the circumstances of the case.

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

A BASIX Certificate has been issued for the proposed development as required under the SEPP. The Certificate confirms that the development will meet the NSW government's requirements for sustainability.

### State Environmental Planning Policy (Housing) 2021 (Housing SEPP)

The principles of the Housing SEPP are to enable the development of diverse housing, promote the delivery of housing in accessible locations, provide amenity and encourage housing to meet the needs of the lower socio economic and disadvantaged community and supporting short-term rental accommodation. The proposed does not propose any element of affordable housing nor result in a loss of affordable housing and therefore the provisions of the SEPP are not considered applicable in the circumstances of the case.





## **State Environmental Planning Policy (Industry and Employment) 2021**

The Industry and Employment SEPP seeks to grow a competitive and resilient economy that is adaptive, innovation and delivers jobs. There are no applicable provisions contained within the SEPP which are applicable to the subject development.

## **State Environmental Planning Policy (Transport and Infrastructure) 2021**

This SEPP contains planning provisions for infrastructure, educational facilities, protection of three corridors (North South Rail Line, South West Rail Link extension and Western Sydney Freight Line) and land use planning framework for appropriate development at Port Kembla, Port Botany and Port of Newcastle. There are no applicable provisions contained within the SEPP which are applicable to the subject development.

## **State Environmental Planning Policies (Precincts—Eastern Harbour City, Central River City & Western Parkland City) 2021 (Precincts SEPP).**

The Precincts SEPP's provides a city based strategic planning vision of the 'three cities' regions identified in the Greater Sydney Region Plan – A Metropolis of Three Cities these are known as Eastern Harbour, Central River and Western Parkland City. There are no specific provisions contained in these SEPPs which are applicable to the subject development.

## **State Environmental Planning Policy (Precincts-Regional) 2021**

The Precincts-Regional SEPP facilitates a planning framework for Special Activation Precincts (Precinct/s) in regional NSW, streamlining planning processes and guiding the delivery of the precincts. There are no specific provisions contained in these SEPPs which are applicable to the subject development.

## **State Environmental Planning Policy (Resilience and Hazards) 2021**

The subject site is not identified to be within the Coastal Wetlands and Littoral Rainforests Area, Coastal Environment Area or Coastal Use Map's as defined under *Coastal Management Act 2016*. The proposal is neither classified as a Hazardous and Offensive development. Therefore, the provisions of Chapter's 2 and 3 of the SEPP are not applicable.

### Chapter 4 - Remediation of land

Chapter 4 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment through:

- Specifying when consent is required, and when it is not required, for a remediation work



- Specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- Requiring that a remediation work meet certain standards and notification requirements.

Pursuant to Clause 4.6 Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in it contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

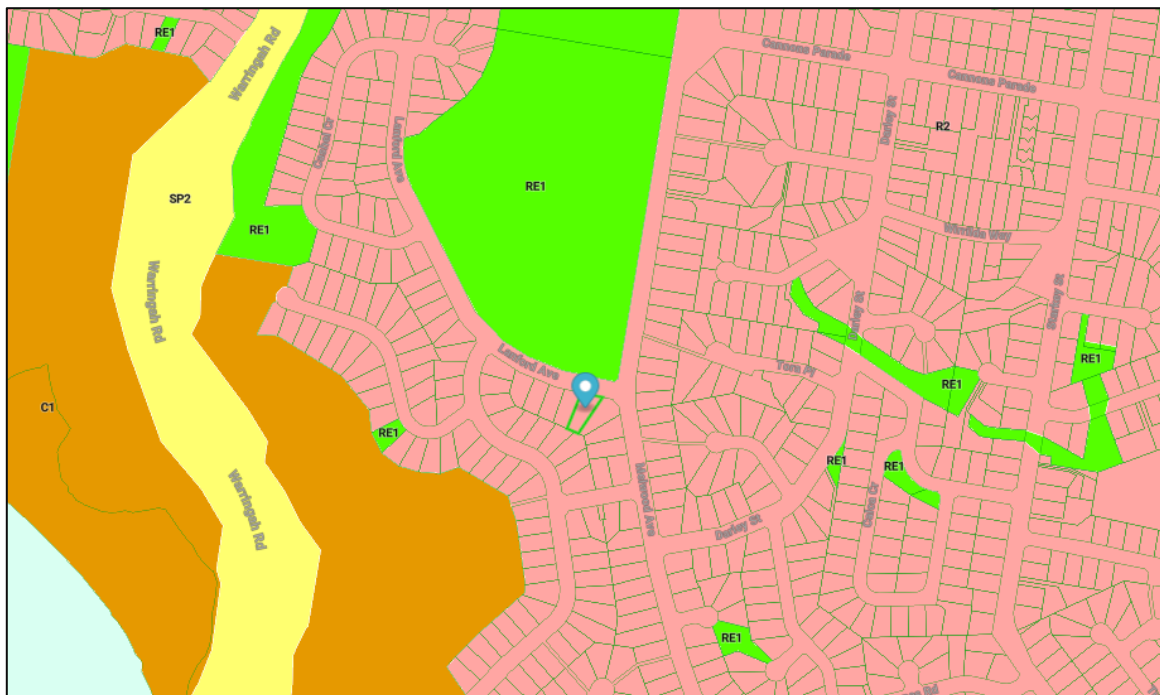
There is nothing to indicate that the site would be affected by soil contamination. The site has been historically used for rural residential purposes and the subject site is not located in close proximity to any known contaminated land. As such the proposed is considered suitable for the site with regard to land contamination.

## Warringah Local Environmental Plan 2011 (WLEP 2011)

WLEP 2011 is the relevant Local Environmental Planning Instrument applicable to the subject site. Outlined below are the following clauses applicable to the proposal.

### Clause 2.3 - Zone Objectives and Land Use Table

Pursuant to WLEP 2011, the property is zoned R2 Low Density Residential and development being a dwelling house is a permissible land use in the zone with consent.



**Figure 7:** Land zoning demonstrating the site is located within an R2 Low Density Residential Zone.



## Objectives for Zone R2 – Low Density Residential Zones

- 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.

The proposal satisfies the objectives of the R2 Low Density Residential zone as it provides for the housing needs of the community within a low density residential environment. The proposal also satisfies the third objective as the dwelling house provides a landscaped setting that is in harmony with the surrounding domestic landscaped setting within the locality. The second objective is not considered to be of relevance to the subject proposal.

### Part 4 - Principal development standards

The following table provides a summary of the applicable Clauses regarding the principle development standards of the proposal:

Development Standard	Proposed	Compliance
<b>Clause 4.3(2) Height of Buildings</b>		
Pursuant to Clause 4.3(2) (Height of Buildings Map - Sheet HOB_008), the maximum height of any building on the subject site is 8.5 metres.	Top of roof: RL 120.44 Existing ground level: 113.00 (lowest indicative estimated contour) Height: 7.44 metres	N/A
<b>Clause 4.4(2) - Floor Space Ratio</b>		
Pursuant to Clause 4.4(2) there is no the maximum Floor Space Ratio applicable to the subject site.	Not applicable.	N/A

### Part 5 - Miscellaneous provisions

Clause	Comment
Clause 5.1 Relevant acquisition authority	Not applicable. The site or part(s) of the subject site is not reserved for land acquisition as shown on the Land Reservation Acquisition Map – Sheet LRA_008.
Clause 5.1A Development on land intended to be acquired for a public purpose	Not applicable. The site or part(s) of the subject site is not reserved for land acquisition for public purpose as shown on the Land Reservation Acquisition Map – Sheet LRA_008.
Clause 5.2 Classification and reclassification of public land	Not applicable.
Clause 5.3 Development near zone boundaries	Not applicable.
Clause 5.4 Controls relating to miscellaneous permissible uses	Not applicable. There are no development standards applicable to the subject proposal relating to miscellaneous permissible uses.
Clause 5.7 Development below mean high water mark	Not applicable. Subject site is not impacted by tidal waters.
Clause 5.8 Conversion of fire alarms	Not applicable.



Clause 5.9 Dwelling house or secondary dwelling affected by natural disaster	Not applicable.
Clause 5.10 Heritage conservation	Not applicable. The subject site does not contain any indigenous heritage or archaeological significance, not local or state heritage item, subject to a interim heritage order or within a conservation or draft conservation area. The site is neither within the vicinity of any of the following.
Clause 5.11 Bush fire hazard reduction	Not applicable.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable.
Clause 5.19 Pond-based, tank-based and oyster aquaculture	Not applicable.
Clause 5.20 Standards that cannot be used to refuse consent—playing and performing music	Not applicable.
Clause 5.21 Flood planning	Not applicable.

## Part 6 – Additional Local Provisions

Clause	Comment
Clause 6.1 Acid sulfate soils	Not applicable. The subject site is not constrained by any class of acid sulfate soils. The proposal is unlikely to disrupt, expose or drain acid sulphate soils and cause environmental damage.
Clause 5.1A Earthworks	The proposal involves fill internal and external to the buildings footprint to achieve an appropriate finished floor level and graded rear yard. The proposed height of fill is not considered to not result in any detrimental impacts upon environmental functions and processes, neighbouring uses or features of surrounding land. The proposed levels of fill does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).
Clause 6.4 Development on sloping land	<p>The land is identified to contain a Landslide risk as shown on the Landslip Risk Map - Sheet LSR_008. The subject site is identified in Area A with a Slope less than 5° and therefore the provisions of this clause apply. The subject site does not contain any notable topographical features or a significant slope.</p> <p>The proposed neither involves any significant earthworks to result in adverse impacts on adjoining properties or immediate locality and does not result in significant impacts from stormwater run off to result in adverse impact to the stability of adjoining land and will not adversely impact the existing subsurface flow conditions of the site or surrounding lands.</p> <p>A Preliminary Geotechnical Investigation, prepared by Douglas Partners and dated 8 September 2022 has been submitted as apart of this application. The investigation comprised a site walkover assessment, and drilling of boreholes with in-situ testing and sampling. The report identifies that there is no evidence of slope instability was observed and provides for recommendations on site</p>



	<p>preparation, earthwork activities and methods of construction, and design of footings.</p> <p>Given the low risk on landslip instability and subject to undertaking the development in accordance with the Geotechnical Investigation, prepared by Douglas Partners, the consent authority can be satisfied that the development is consistent with the provisions of Clause 6.4(3).</p>
Clause 6.5 Coastline hazards	Not applicable. The subject site is not identified to be prone to a Coastline Hazard as identified on
Clause 6.6 Erection of dwelling houses in Zone E3 Environmental Management	Not applicable. The subject site is not zoned
Clause 6.7 Residential flat buildings in Zone B4 Mixed Use	Not applicable. Application does not involve the erection of a residential flat building.
Clause 6.8 Subdivision of certain land	Not applicable. No subdivision is proposed.
Clause 6.9 Location of sex services premises	Not applicable.
Clause 6.10 Development for the purposes of secondary dwellings in Zones R2 and R3	Not applicable. No secondary dwellings proposed.
Clause 6.11 Affordable housing	Not applicable. The proposal does not involve any component of affordable housing.

## Part 7 - Dee Why Town Centre

Not applicable. The subject site is not located within the Dee Why Town Centre.

## Part 8 - Frenchs Forest Precinct

Not applicable. The subject site is not located within the Frenchs Forest Precinct or on any of the Key Sites Map.

**(ii) 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)**

There is no relevant draft EPI, Planning Proposal or Plan relevant to the proposed development.

**(iii) Any development control plan**

### Warringah Development Control Plan 2011 (WDCP 2011)

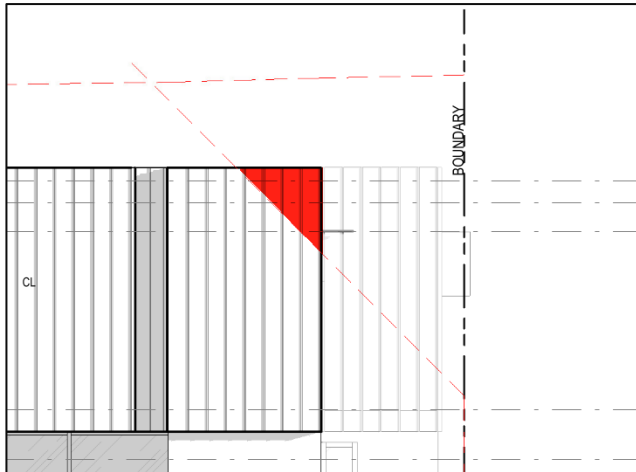
The proposed development is subject to the provisions of Warringah Development Control Plan 2011. The following table below provides commentary against the relevant applicable controls contained within WDCP 2011. Where strict compliance has not been achieved, pursuant to Section 4.15(3A)(b) of the EP&A Act 1979, flexibility is sought from Council in determining whether a reasonable alternative solution that achieves the objects is provided by the proposed development. These matters are also discussed in the table below.



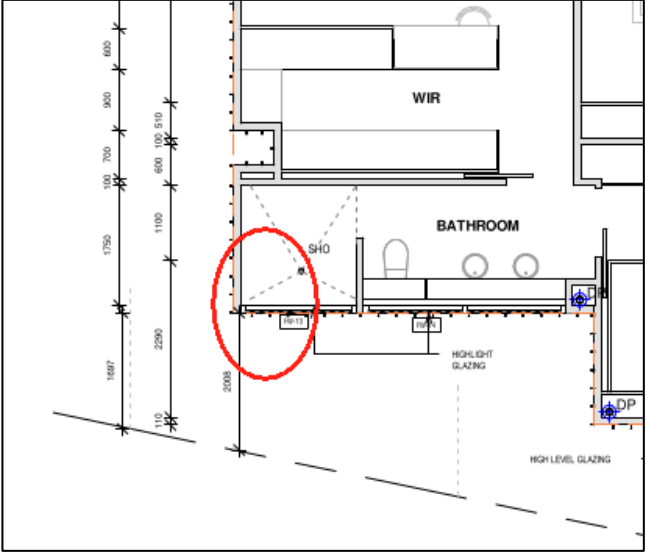
WDCP 2011	Proposed	Compliance
Part B Built Form Controls		
<b>B1 Wall Heights</b>		
Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	<p>The wall heights of each elevation measured from the top of the wall to the lowest existing ground level is as follows:</p> <p><u>Front Elevation:</u></p> <p>Top of roof: RL 120.80 Existing ground level: 113.70 (lowest indicative estimated contour) Height: 7.1 metres</p> <p><u>South Eastern Elevation:</u></p> <p>Top of roof: RL 120.80 Existing ground level: 113.60 (lowest indicative estimated contour) Height: 7.2 metres</p> <p><u>North Western Elevation:</u></p> <p>Top of roof: RL 120.80 Existing ground level: 113.60 (lowest indicative estimated contour) Height: 7.2 metres</p> <p><u>Rear Elevation:</u></p> <p>Top of roof: RL 120.80 Existing ground level: 113.00 (lowest indicative estimated contour) Height: 7.8 metres</p> <p>The height of the wall along the rear elevation is 7.8 metres which exceeds the maximum 7.2 metre height measured from the top of the wall to the nearest indicating natural ground level below.</p> <p>The non-compliance is limited to the rear elevation and despite the 240mm excess in wall height, the development achieves compliance with the maximum 8.5 metre overall height development standard pursuant to Clause 4.3(2) of WLEP 2011.</p> <p>The dwelling has well-articulated walls and predominantly complies with the maximum wall height with the exemption of rear elevation where the existing ground levels are at the lowest point of the site, therefore it is evident that the non-compliance is limited and does not lead and excessive bulk or scale of the dwelling.</p> <p>The proposal proposed dwelling is compatible with existing development within the locality and immediate the</p>	Merit Consideration





WDCP 2011	Proposed	Compliance
	<p>streetscape. The exceedance is also considered negligible and does not result in an unacceptable visual impact when viewed from the downslope sides neither does it result in an unacceptable overshadowing impact to adjoining properties.</p> <p>Therefore, the proposed wall height is considered to not result in adverse impact, is consistent with the objectives which satisfies the exemption provisions of the control and can be acceptable on merit.</p>	
<b>B2 Number of Storeys</b>		
Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The proposed development is a maximum two (2) storeys in scale.	Yes
<b>B3 Side Boundary Envelope</b>		
<p>Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:</p> <p>➤ 4 metres</p>	<p>The building predominantly complies with the side boundary envelope controls with the minor exemption of a portion of the first floor wall servicing the bathroom which is limited to the shower area. The following figures below illustrate the areas of non-compliance.</p>  <p>Figure 8: Rear Elevation illustrating area of non-compliance.</p>	Merit Consideration



WDCP 2011	Proposed	Compliance
	 <p><b>Figure 9: Floor plan highlighting area of non-compliance.</b></p> <p>The non-compliance can be considered acceptable given the irregular shape of the allotment where the site tapers inward from the front to the rear and achieving strict compliance can be considered unreasonable to achieve. The non-compliance is limited to a small portion of the building located at the rear servicing a non-habitable room and does not contribute to an excessive perception in height or bulk.</p> <p>The proposal has been designed to suit the prevailing orientation of the land and there is no existing built form where the non-compliance occurs at the adjoining neighbour at 74 Melwood Avenue, thus adequate spatial separation is maintained.</p> <p>The minor encroachment within the side boundary envelope control does not contribute to an adverse solar impact to adjoining properties and maintains suitable solar access. An increased sill height is also provided to the windows which mitigates any visual privacy impact to the adjoining neighbour at 74 Melwood Avenue.</p> <p>Therefore, it is evident that the minor non-compliance does not result in an adverse impact to adjoining properties or the streetscape in combination with achieving the objectives of the control and can be considered acceptable on merit.</p>	
<b>B4 Site Coverage</b>		
Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map.	The subject site is not identified on the site coverage map and therefore this control is not applicable.	N/A
<b>B5 Side Boundary Setbacks</b>		
Development on land shown coloured on the DCP Map Side Boundary	Side setbacks greater than 900mm is provided along the north western and south eastern elevations.	Yes



WDCP 2011	Proposed	Compliance
Setbacks is to maintain a minimum setback from side boundaries as shown on the map. ➤ B: 900mm		
Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	Side setback areas are appropriately landscaped.	Yes
<b>B7 Front Boundary Setbacks</b>		
Development is to maintain a minimum setback to road frontages. ➤ 6.5 metres	A minimum setback of 6.676 metres is provided from the front boundary to the building line. The proposed setback is also designed to maintain the uniformed street setback alignment within the existing streetscape.	Yes
The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	The front setback is appropriately landscaped and free of any structures with the exemption of the driveway, letter box, and pedestrian pathways.	Yes
Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.	All structures within the front setback does not occupy greater than 50% of the area.	Yes



WDCP 2011	Proposed	Compliance
<b>B9 Rear Boundary Setbacks</b>		
<p>Development is to maintain a minimum setback to rear boundaries.</p> <p>➤ 6 metres</p> <p>The rear setback area is to be landscaped and free of any above or below ground structures.</p>	<p>The setback from the rear boundary to the wall is 13.024 metres. However, the proposal incorporates a swimming pool at the rear which encroaches within the minimum 6 metre setback requirement. The swimming pool encroaches for a total area of 32.4m<sup>2</sup> or 36.9% of the minimum required setback. Despite the encroachment of the swimming pool, the rear setback provides for a positive amenity outcome for future occupants whilst maintaining opportunities for deep soil landscape areas ultimately resulting a continuous vegetative corridor with adjoining allotments.</p> <p>The encroachment of the swimming pool does not compromise a sense of openness in the rear yard nor does it result in an adverse visual privacy or amenity impacts to adjoining properties. Overall, as the encroachment of the swimming pool does not result in adverse impacts to adjoining lots, maintains a continuous vegetative corridor with adjoining properties and achieves the objectives of the control, the proposed can be considered acceptable on merit.</p>	<p>Merit Consideration</p>
<b>Part C Siting Factors</b>		
<b>C3 Parking Facilities</b>		
Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site	The garage is well integrated into the design of the overall façade and the building.	Yes
Parking is to be located so that views of the street from front windows are not obscured	Parking does not obscure any front windows from the street.	Yes
Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.	The width of the garage door is 5.4 metres and does not exceed 6 metres or 50% of the building width.	Yes
<p>Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.</p> <p>➤ 2 spaces</p>	Two (2) off street parking spaces are provided.	Yes
<b>C7 Excavation and Landfill</b>		
All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	This matter is generally subject to a conditional requirement.	Subject to Conditional Requirement.



WDCP 2011	Proposed	Compliance
Excavation and landfill works must not result in any adverse impact on adjoining land.	The proposed earthworks are limited to the rear yard to accommodate the swimming pool and provide at grade POS. The extent of earthworks is not considered to result in an adverse impact to adjoining properties.	Yes
Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	This matter is generally subject to a conditional requirement.	Subject to Conditional Requirement.
Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	This matter is generally subject to a conditional requirement regarding sediment and erosion control measures to be implemented during works.	Subject to Conditional Requirement.
Rehabilitation and revegetation techniques shall be applied to the fill.	Achieved. Suitable landscaping is provided in the filled areas. The filled areas will also be contained by retaining walls and battered back.	Yes
Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.	Landfill is kept to a minimum where practical.	Yes
<b>C8 Demolition and Construction &amp; C9 Waste Management</b>		
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	Subject to Conditional requirements and refer to submitted Waste Management Plan.	Yes
<b>Part D Design</b>		
<b>D1 Landscaped Open Space and Bushland Setting</b>		
The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting.  ➤ 40%	Landscaped Area: 348.1m <sup>2</sup> (40.4%).	Yes
<b>D2 Private Open Space</b>		
Residential development is to include private open space for each dwelling.	POS is provided at the rear of the site.	Yes



WDCP 2011	Proposed	Compliance
<p>The minimum area and dimensions of private open space are as follows:</p> <ul style="list-style-type: none"> <li>➤ A total of 60m<sup>2</sup> with minimum dimensions of 5 metres</li> </ul>	<p>POS exceeds the minimum 60m<sup>2</sup> with dimensions in excess of 5 metres.</p>	<p>Yes</p>
<p>Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.</p>	<p>The private open space is directly accessible from the primary living areas and serves as an extension to those primary living areas for domestic outdoor leisure and relaxation.</p>	<p>Yes</p>
<p>Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.</p>	<p>The POS area is located at the rear of the dwelling and is not significantly elevated to result in adverse privacy impact to adjoining allotments.</p>	
<p>Private open space shall not be located in the primary front building setback.</p>	<p>POS is not located in the front setback.</p>	<p>Yes</p>
<p>Private open space is to be located to maximise solar access.</p>	<p>POS is oriented to allow solar access to maximise solar access where practical given the orientation of the land.</p>	<p>Yes</p>
<b>D6 Access to Sunlight</b>		
<p>Development should avoid unreasonable overshadowing any public open space.</p>	<p>The development does not result in unreasonable overshadowing upon public open space.</p>	<p>Yes</p>
<p>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.</p>	<p>Achieved. Adjoining properties POS will achieve at least three (3) hours of sunlight between 9am and 3pm on June 21 for 50% of the area.</p>	<p>Yes</p>
<b>D7 Views</b>		
<p>Development shall provide for the reasonable sharing of views.</p>	<p>The development does not unreasonably result in view impact to adjoining properties.</p>	<p>Yes</p>





WDCP 2011	Proposed	Compliance
<b>D8 Privacy</b>		
Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The building layout and sitting is designed to optimise privacy for both future occupants and adjoining properties.	Yes
Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	Living areas and POS does not result in an unreasonable opportunity for overlooking.	Yes
The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	The outdoor areas are not elevated to require screening, albeit solid barriers are provided to the edges of the area. The FFL of is neither elevated where the 1.8 metre boundary fence obscures any opportunity for overlooking and high sill windows are provided on the first floor.	Yes
The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.	Windows are not located to provide direct or close views into the windows of adjoining dwellings.	Yes
<b>D9 Building Bulk</b>		
Side and rear setbacks are to be progressively increased as wall height increases.	Achieved. The side setbacks are varied progressively from the front to the rear of the dwelling.	Yes
Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	Modulation and articulation is provided to the elevations of the walls to provide for visual relief.	Yes
Building height and scale needs to relate to topography and site conditions.	The building height and scale is in respect to the topography of the land.	Yes
Orientate development to address the street.	The dwelling is orientated to present to Lanford Avenue.	Yes
Use colour, materials and surface treatment to reduce building bulk.	External colours and finishes contribute to mitigate the bulk of the building.	Yes
Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Suitable landscaping is provided in scale with the development to reduce the visual bulk.	Yes
Articulate walls to reduce building mass.	Elevations are sufficiently articulated to reduce the massing of the building.	Yes



WDCP 2011	Proposed	Compliance
<b>D10 Building Colours and Materials</b>		
In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	The finishes of the building in combination with the proposed landscaping minimises the visual impact of the building.	Yes
<b>D16 Swimming Pools and Spa Pools</b>		
Pools are not to be located in the front building setback.	Swimming pool is located within the rear setback of the development.	Yes
Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.	The swimming pool is not located within the TPZ of a protected tree.	Yes

**(iia) 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.**

There is no planning agreement being entered into as part of this application.

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

## **Environmental Planning and Assessment Regulation 2021**

The Regulation also provides standard Conditions which the Consent Authority must impose when issuing Development Consent. These Conditions will be implemented upon the issue of Development Consent. There are no other additional matters contained within the Regulations which are applicable into the subject development.

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

The proposal does not result in any significant impacts upon any adjoining properties or environment and is satisfactory in terms of likely impacts.

**(b) The suitability of the site for the development**

The subject site is appropriately zoned for the proposed use, and it is considered not to result in adverse material or environmental impact. Therefore, it is considered that the development is suitable for the site.



**(c) Any submissions made in accordance with this Act or the regulations**

Any submissions received as a result on notification of the Development Application will be considered by Council.

**(d) The public interest**

This statement demonstrates that, the proposal is not considered to raise any issues that would be contrary to the public interest.

**5. CONCLUSION**

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. It is recommended that pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council as the consent authority grant consent for the construction of a two (2) storey dwelling house with a swimming pool at the rear on land at 1 Lanford Avenue, Killarney Heights.

**Statement prepared by Polaris Planning and Development.**

