

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF A NEW CARPORT, SWIM SPA,
DECK AND ASSOCIATED LANDSCAPING**

LOCATED AT

142 MELWOOD AVENUE, KILLARNEY HEIGHTS

FOR

DAVID BARDA



**Prepared
June 2023**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Site Design & Studios, Drawings No. L-01 – L-014, Issue D, dated 31 May 2023, detailing the proposed construction of a new carport, swim spa, decks and an elevated access walkway and associated landscaping at **142 Melwood Avenue, 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 (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011 (WLEP 2011)*
- *Warringah Development Control Plan 2011 (WDCP 2011)*

2.0 Property Description

The subject allotment is described as 142 Melwood Avenue, Killarney Heights, being Lot 13, Section 72 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.

No other hazards/constraints have been identified.

3.0 Site Description

The property is located on the south-western side of Melwood Avenue. The site is irregular in shape with an arc-shaped frontage of 21.905m. The north-western and south-eastern side boundaries measure 38.48m and 38.43m respectively. The rear boundary measures 14.54m. The site has a total area of 699.5m². The site experiences a fall away from the street, from levels of approximately 111.04m AHD at the front boundary down to levels 101.24m AHD at the rear boundary.

The site is currently developed with a two-storey brick dwelling with a tiled roof. Vehicular access currently is available to the site from Melwood Avenue via a concrete driveway, which enters the property at the north-western most point of the front boundary and curves around in front of the dwelling.

The details of the site are as indicated on the survey plan prepared by Byrne & Associates Pty Ltd, File No. 9880D3, Issue D, dated 1 September 2022, which accompanies the DA submission.

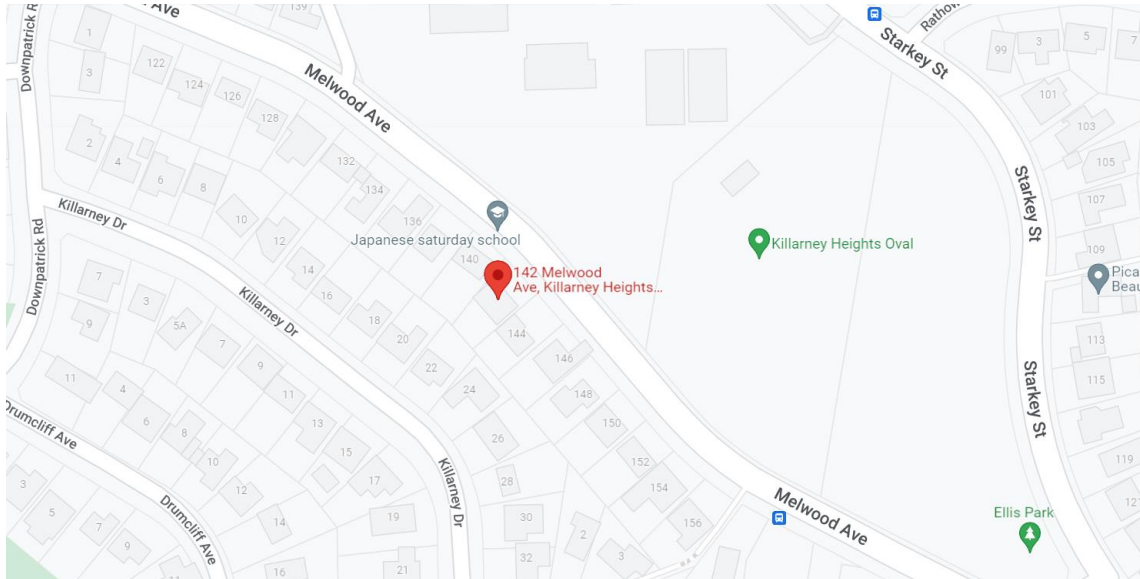


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of the subject site, looking south-west from Melwood Avenue



Fig 3: View of the existing dwelling and current front entry terrace and elevated walkway



Fig 4: View of the existing driveway crossing and driveway entry to the site, looking south-east from Melwood Avenue



Fig 5: View of the existing driveway to the site and entry (and noting restricted width to driveway which precludes any viable parking behind the front setback)



Fig 6: View of the neighbouring dwelling to the north-west at No 140 Melwood Avenue



Fig 7: View of the existing development to the south-east (noting existing double carport on nil setback at 146 Melwood Avenue), looking south-east



Fig 8: View of the rear yard of the adjoining property to the south-east at No 144 Melwood Avenue, looking south from the existing first floor rear terrace



Fig 9: View of the rear yard of the subject site and the adjoining property to the south-west at No 22 Killarney Drive, from the existing first floor terrace



Fig 10: View looking west from the existing first floor terrace, noting existing pools in the majority of the rear yards of the adjacent properties
looking south from the existing first floor rear terrace

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.

Killarney Heights High School is located on the opposite side of the street, with Killarney Heights Oval further to the east.

As noted in the aerial photograph below, swimming pools are common features within the rear yards of the majority of the surrounding dwellings.

In addition, given the slope of the land away from Melwood Avenue towards the south and south west, carport structures at or near the road level or forward of the existing dwellings are not uncommon where site circumstances do not allow for parking to be provided behind the front setback.

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

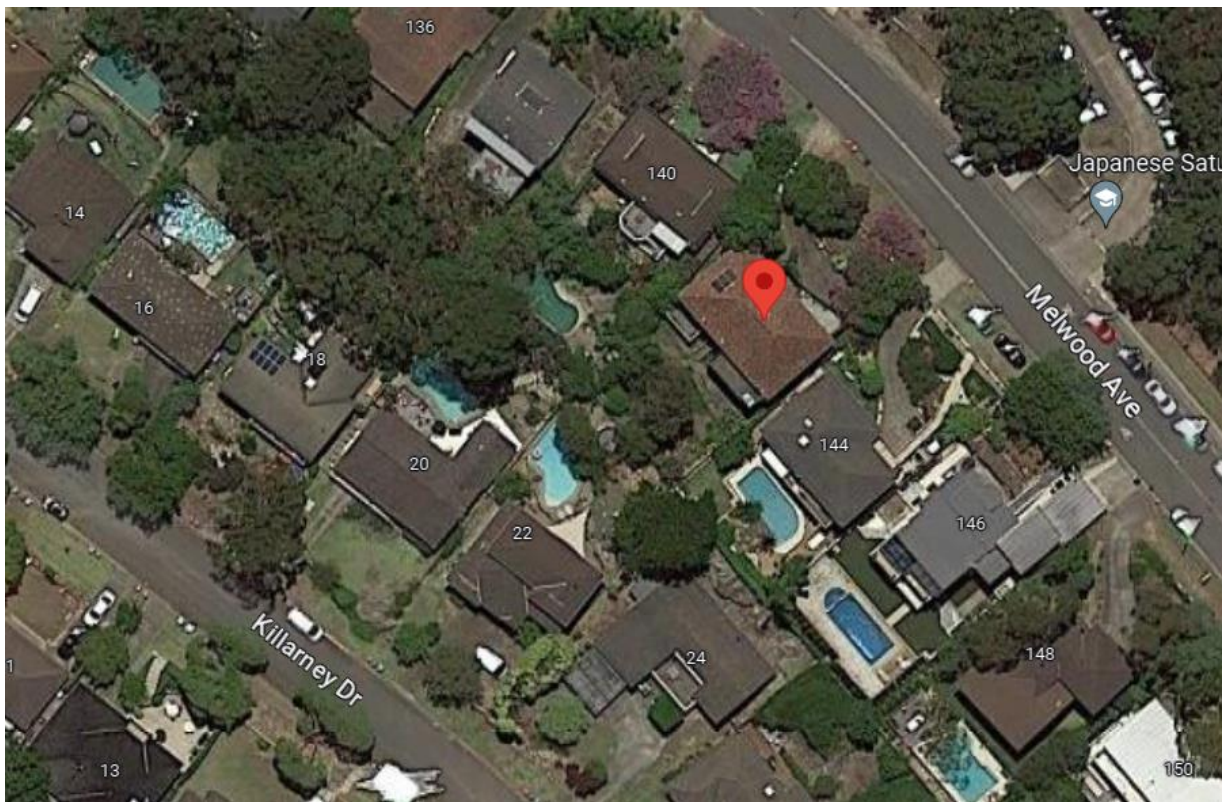


Fig 11: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent for the construction of a carport, elevated timber pedestrian walkway, swim spa, decks and associated landscaping.

The proposed works comprise:

External Works

- New double carport and internal driveway alterations to provide access for two parking spaces within the site
- Elevated timber pedestrian walkway from the street level to the front entry terrace
- Swim spa and associated elevated terraces
- Landscaping improvements within the site

The proposed new carport is generally located within the footprint of the existing hard stand parking area, with side-by-side parking proposed to replace the existing tandem parking arrangement. The carport is sunken into the site, to ensure that the visual impact of the development is appropriately minimised.

As indicated in Figure 5, currently the front yard conditions do not allow for the turning and manoeuvring of vehicles to any parking areas behind the front setback within the dwelling. The proposal will provide for a double carport that will utilise the existing driveway for reversing to the street.

Given the existing reversing situation is to be maintained, without any prospect for functional turning within the site, reversing of the cars to the street is not considered to be a significant issue in this locality. On street parking of vehicles in the immediate locality is not available during weekdays and therefore sight distances to the footpath or to the street are reasonably obtained for vehicles leaving the site.

An elevated timber pedestrian boardwalk is proposed to provide access from the front boundary directly to the existing front terrace.

The rear yard of the site falls gradually to the rear, south-western boundary with the dwelling elevated at both floor levels above the existing ground. The proposed rear decks and access stairs will provide improved connection between the dwelling and the rear yard of the site.

The proposed swim spa is elevated above ground to facilitate appropriate surveillance from the existing lower deck. In order to ensure that the privacy and amenity of the neighbouring properties is not adversely affected, privacy screens comprising vertical batons to a height of 1.6m have been included to the north-western and south-eastern edges of the existing upper floor deck and the proposed lower floor deck.

The proposed works will be complemented by landscaping, with details of the landscaping improvements noted within the plans prepared by Site Design Studios.

The proposal results in the following development indices:

Site Area:	699.5m²
Required Landscaped Area:	40% or 279.8m ²
Proposed Landscaped Area:	43.88% or 307m ²

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 (Building Sustainability Index: BASIX) 2004

The proposal has been designed to comply with the requirements of SEPP Basix. The proposed swim spa has a volume of less than 40kL (7.25kl) on the other aspects of the application comprising the carport and rear decks a non-habitable structures.

The provisions of SEPP BASIX do not apply to the development.

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 (and associated ancillary development) is permissible in this zone.

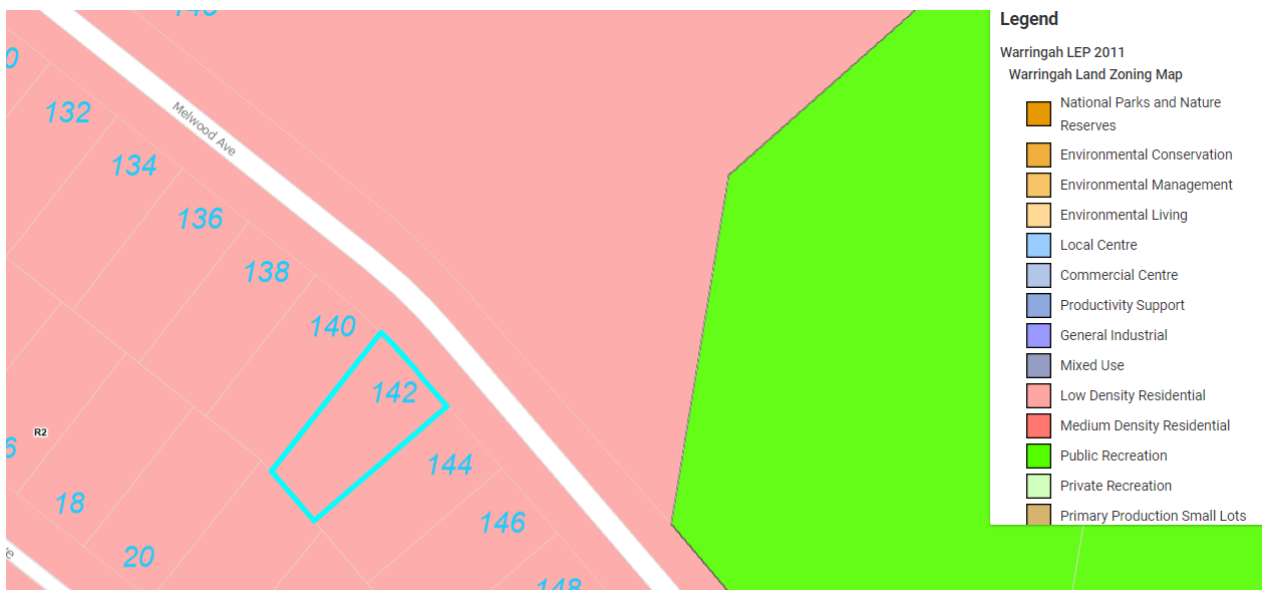


Fig 11: Extract of Zoning Map of WLEP 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

It is considered that the proposed 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 7.93m measured above the existing concrete patio at the rear of the dwelling to the proposed pergola structure over the existing first floor terrace. 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 driveway, carport, swim spa and terrace. 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. The proposal will necessitate excavation to provide for the for the driveway, carport, swim spa pool and terraces.

A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference J4510 dated 8 September 2022 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 pool is approximately 3.5m. 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.	The proposed development is maintained below the prescribed envelope.	Yes
B5 – Side Boundary setbacks	R2 zoned land 0.9m • To provide opportunities for deep soil landscape areas. • To ensure that development does not become visually dominant. • To ensure that the scale and bulk of buildings is minimised. • To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained. • To provide reasonable sharing of views to and from public and private properties.	South-East = 1.1m North-West = 600mm The application seeks consent for the erection of a privacy screen on the north-western side of the existing rear terrace that is located within 0.6m and 1.1m from the north-western side boundary. The proposed development is to be 1.6m high and is to be constructed of vertical timber battens. The proposed screen has been sensitively designed to maximise visual privacy between the two adjacent dwellings, without resulting in excessive bulk and scale. The	Yes – on merit

		proposed screen assists in the attainment of the prescribed objectives, as opposed to detracting from them. The proposed non-compliance is minor and is supportable on merit.	
B7 – Front Boundary Setbacks	Minimum 6.5m • <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>	3.5m The application seeks consent for the construction of a carport within the front setback. The proposed carport is a light-weight structure, that is generally located atop the existing hard stand parking area. The proposed carport is to be sunken into the site, to maintain a sense of openness along the frontage of the site and to minimize bulk and scale. Other properties along Melwood Avenue have parking structures forward of the primary dwelling (notable No 146 Melwood Avenue) and as such, the proposed development cannot be said to be incongruous with pattern of buildings in the streetscape.	Yes – on merit.

		The proposed carport will not result in any adverse impacts upon views. The application is considered to be supportable on merit, as the objectives of the control are otherwise achieved.	
B9 – Rear Boundary Setbacks	Min 6m rear setback. Pool shall not exceed 50% of rear setback area	Approx. 8m Pool does not encroach within the rear setback.	Yes Yes
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 a new double car carport. The structure is open on four sides and is situated below street level to ensure that the new structure will not be visually dominant when seen from the street.	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 concrete areas or current rock areas. Stormwater from the new carport roof will be directed to the existing system which	Yes

		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 under Report Reference J4510 dated 8 September 2022 to accompany this application, ensuring consistency with the provisions of this clause.	Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage proposed within the site.	Yes

Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area, with dimensions >2m. The objectives of this control are: • <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>	The site will retain a Landscaped Open Space area of 43.88% of the site area, which achieves compliance with Council’s control. In addition, detailed planting plans for the front and rear yards of the site have been prepared by Site Design Studios and are included with the application submission.	Complies

D2 – Private Open Space	Min 60m ² with min dimension 5m	The proposal will provide a substantial area of private open space, which is directly accessible from the dwelling and with excellent access to the northern sun.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The proposed pool equipment will be contained in a soundproof enclosure.	Yes
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun. Appropriate construction to enhance thermal properties and ventilation/natural cooling. Compliance with SEPP (BASIX) requirements	The works which are the subject of the application harbour anomaly non-habitable works which do not and attract commitments under SEPP Basix. The proposed swim spa has been limited in its volume to 7.325K which is under the threshold for commitments under the SEPP Basix requirements.	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, with the elevated pool and open terraces with a pergola above the top level to the rear. Given the north-easterly aspect of the development, any additional shadow cast by the new pergola which is at a height lower than the rear gutter level will fall	Yes

		largely within the existing shadow of the current dwelling.	
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.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The proposed development has been designed to maximise privacy for both occupants of the dwelling and adjoining properties with privacy screens proposed, where necessary.	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 carport is maintained below the height limit and the height of adjoining and nearby properties.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised.	The roof of the garage is to be covered in pebbles to minimise glare and reflection.	Yes

	Reflective building materials to be minimised		
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.	Pool proposed within rear yard.	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 over and through the proposed carport.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is not required in this instance.	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	As confirmed in the accompanying Arborist Report by The Tree Fellas Pty Ltd, Report Reference 423KhVs-AIA dated 24 April 2023, no significant protected trees are affected by the works. The five trees listed for removal are one native species – Tree #7 which is a Kentia Palm and 4 exempt species. The more significant trees within the site are to be retained and further supplementary planting can be provided as requested by Council.	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. The proposal will necessitate excavation to provide for the	Yes

		proposed development. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group and dated 8 September 2023, to accompany this application, ensuring consistency with the provisions of this clause.	
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 side and front setbacks to be a reasonable alternative solution, noting that the proposal is otherwise consistent with the objectives of these controls.

It is considered that the proposed design respects the desired character of the locality, in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity of the site.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

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

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal has been located and designed to appropriately minimise impacts on the amenity of adjoining properties, resulting in a development that is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the applicable SEPPs, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of a new carport, elevated walkway, swim spa, deck and associated landscaping.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal is consistent with the objectives of WLEP 2011 and WDCP 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 a new carport, elevated timber access walkway, swim spa, deck and associated landscaping, which will not have a detrimental impact on the adjoining properties or the locality.

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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