

# **Statement of Environmental Effects: Dwelling House**



**Subject Site: 65 Kelvin Parade,  
Picnic Point 2213.**

**PREPARED ON BEHALF OF:**

**NDG**

**Revision No.1**

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## Proposed Development

The proposal seeks a modification of Development Consent DA-8/2023 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, seeking minor alterations to reconfigure internal stairs, incorporate additional storage and modify the front facade at No. 65 Kelvin Parade, Picnic Point.

A detailed summary of the proposal is provided below.

## Site History

Reference	Description	Status
DA-8/2023	Demolition of all existing structures and the construction of a new two (2) storey dwelling house with a basement and associated landscaping and site works	Approved

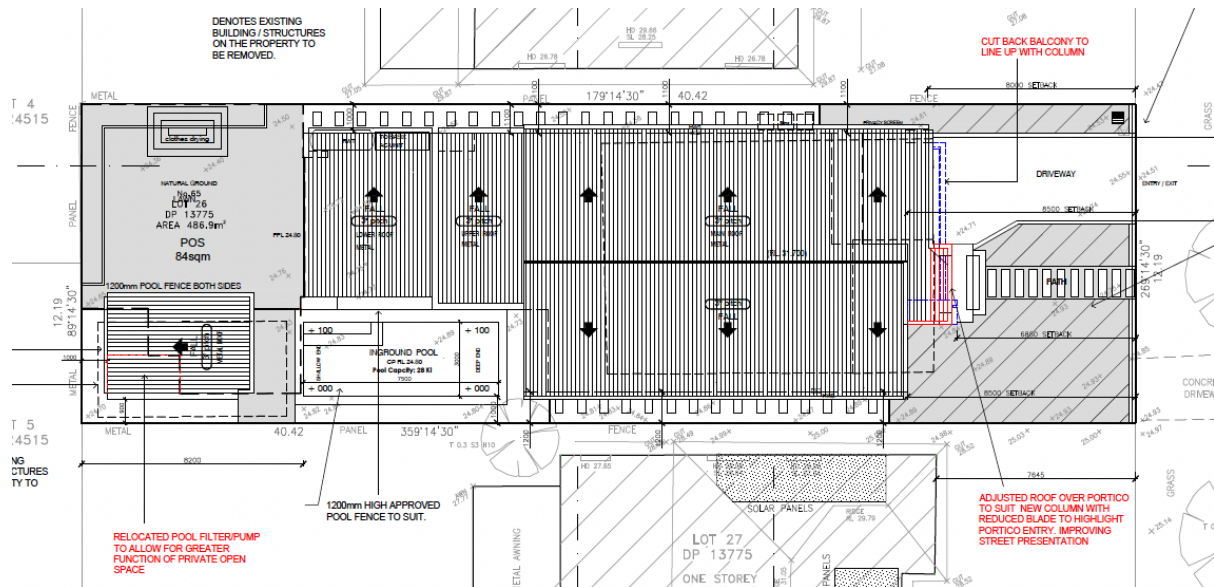
## Proposed Modifications

The modification application is proposing minor alterations and additions to the ground floor, first floor, front façade and the addition of storage near the spa. This report contends that the development as modified is substantially the same development as approved under Development Application DA-8/2023.

The modification works are described below.

### Internal and External alterations

- Reconfiguration of internal access stairs between ground and first floor (Condition 1)
- Storage room added near spa Condition 1)
- Adjustment of columns in front façade
- Reduction of balcony to line up with new column (Condition 1)
- Adjustment of roof over front portico (Condition 1)
- Addition of window in front facade (Condition 1)
- Centralisation. of front door (Condition 1)
- Relocation of pool pump to create additional storage space in rear yard (Condition 1)



**Figure 1: Proposed site plan - No. 65 Kelvin Parade Picnic Point 2213**

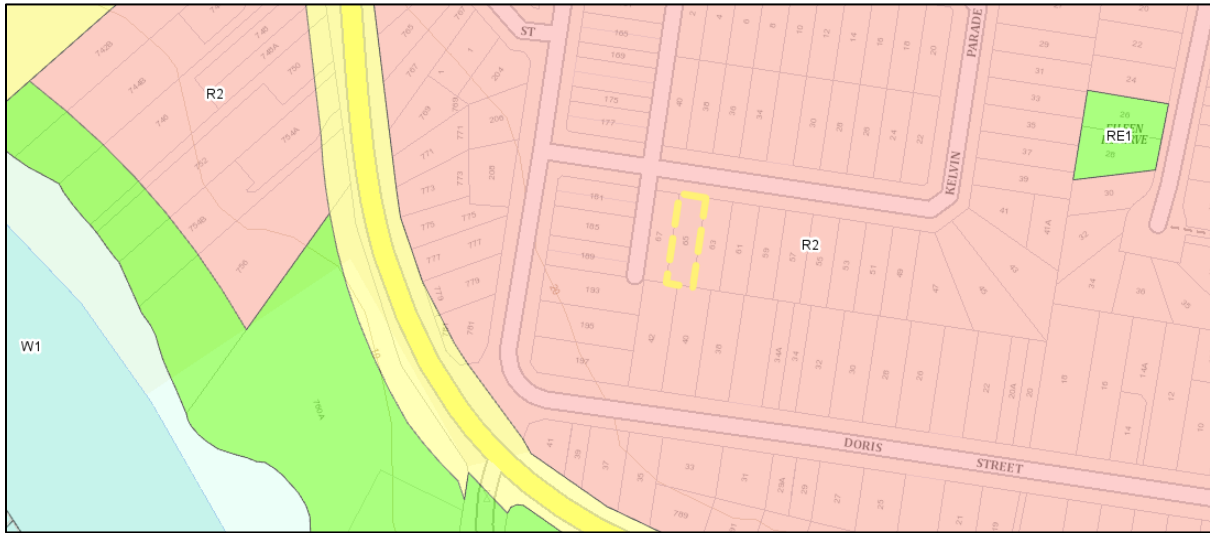


**Figure 2: Subject site – No. 65 Kelvin Parade Picnic Point 2213**

## The Site and Locality

The subject site is identified as Lot 26 in DP13775, No. 65 Kelvin Parade Picnic Point 2213. The site has a 12.19m northern frontage to Kelvin Parade, a rear southern boundary of 12.19m, a side Eastern boundary length of 40.42m and a side western boundary length of 40.42m and a total site area of 486.9m<sup>2</sup>.

There are no significant trees and or shrubs that seek approval for removal, trimming and or lopping. The immediate locality is predominantly surrounded by residential development with a single storey dwelling and two storey developments being located adjacent to the side eastern and western boundaries.



**Figure 4:** Zoning map - No. 65 Kelvin Parade Picnic Point 2213 (Source Near Maps 2022)

## Environmental Planning and Assessment Act 1979 (EP&A Act)

### Part 1 Preliminary

#### Section 1.7 - Application of other Acts & Clause 5.5 - Duty to consider environmental impact

Act	Part	Application
<a href="#"><u>Biodiversity Conservation Act 2016</u></a>	Part 7	Not applicable. The proposal does not impact on any critical habitat, species, flora or fauna with biodiversity significance.
<a href="#"><u>Fisheries Management Act 1994</u></a>	Part 7A	Not applicable. The proposal does not impact on any critical habitat, species, flora or fauna with aquatic biological significance.
<a href="#"><u>Wilderness Act 1987</u></a>	Whole Act	Not applicable. The proposed does not involve any activity within a Wilderness Area as defined under the Act.

### Part 4 Development assessment and consent

#### Division 4.3 Development that needs consent (except complying development)

##### Section 4.15 - Evaluation

The following is an assessment of the application with regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

#### **(1) Matters for consideration – general**

***In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:***

- (a) the provision of:**
- (i) any environmental planning instrument,**

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	Not applicable.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	Not applicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the <i>Development Control Plan</i> section in this report and are satisfactory. (ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2021	See discussion on “Public Notification” in this report.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.



## **Section 4.55 (1A) Assessment**

### ***Section 4.55(1A)(a): Minor Environmental Impact***

The modification seeks consent for minor modifications to the previously approved dwelling house. The proposed changes are will not provide any additional impacts as a result of this modification. The works predominantly occur within the internal provisions and external driveway works within the rear of the allotment. The proposal will not result in anything more than a minor impact.

### ***Section 4.55(1A)(b): Substantially the same development***

The proposed changes combined with the external changes do not constitute a radical transformation of the approved development. The external changes to the driveway (and detailed above) do not radically transform the originally approved development. The two elements to be determined in establishing substantially the same development is whether the proposal is qualitative and quantitatively the same development as approved.

The proposal is in essence the same development as approved and maintains use as a shop top housing development. The exterior appearance of the building remains essentially the same in terms of textures, aesthetics and form. The building footprint does not notably change. As there is no increase to the previously approved building floor space. An amended new rear setback (which is compliant) is proposed.

The proposal does not result in an increase of bulk and scale or floor space. The proposal does not result in any additional quantifiable or material impact. The principal and essential features of the original approval are maintained. For this reason, the proposal is considered to be qualitative and quantitatively the same development as approved. There is no material or essential component of the approved development to be amended or deleted.

The proposal is substantially the same development.

In order to demonstrate that the development is substantially the same the findings of the Land and Environment Court case, *Moto Projects (No. 2) Pty Limited v North Sydney Council [1999] NSWLEC 280* establishes two (2) elements to determine if the development is substantially the same. These elements to be satisfied is whether the proposal is qualitative and quantitatively the same development as approved.

The development as approved consisted of elements for which constituted for alterations and additions to the existing building. The proposed modification seeks to extend the scope of works which relate to the elements for alterations and additions of the building.

Therefore, to determine if the development is substantially the same as approved, weight is given to *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.



The findings in this matter are considered to be relevant in the circumstances of the case as it provides appropriate consideration to qualitative and quantitative measures for determining whether the development should be characterised as “additions and alterations” or for “a new building”. These considerations are outlined in the table below:

	<b>Principal established in Coorey</b>	<b>Proposed modification</b>
<b>Qualitative issues</b>	How is the appearance of the existing building to be changed when viewed from public places?	The building will remain essentially the same in terms of textures, aesthetics and form. Therefore, the appearance of the building does not alter the appearance of the approved development when viewed from the public domain.
	To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?	There will be no change to the landscaped setting.
	To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?	Not applicable. The site is not a heritage item or located within a heritage conservation area.
	What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?	There will be no significant adverse impact to the curtilage of the building.
	What is the extent, if any, of any proposed change to the use of the building?	The modification does not result in a change of building use and the use of a dwelling house development is retained.
	To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?	The modification retains the built form and will not change the streetscape than initially envisioned under the original approval. The modification now incorporates a window and thinner columns in the front facade.
	To what extent, if any, are the existing access arrangements for the building proposed to be altered?	No change to the approved access arrangements.
	To what extent, if any, will the outlook from within the existing building be altered as a	There is no significant change to the existing outlook from within the approved building.

	consequence the proposed development?	
	Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?	No amendments to the approved arrangements.
<b>Quantitative issues</b>	To what extent is the site coverage proposed to be changed?	The site coverage does not change as initially approved.
	To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?	There are no changes to the non-compliances as initially identified in the original development which were considered to be acceptable.
	To what extent is the building envelope proposed to be changed?	The building envelope does not notably change as it will be constructed in the same positioning maintaining the height and setbacks of the approved building.
	To what extent are boundary setbacks proposed to be changed?	No amendments to the approved arrangements.
	To what extent will the present numerical degree of landscaping on the site be changed?	No change to the numerical value of landscaping.
	To what extent will the existing floor space ratio be altered?	The approved FSR and height of the development will not be intensified and retained as approved.
	To what extent will there be changes in the roof form?	The roof form does not notably change as initially approved.
	To what extent will there be alterations to car parking/garaging on the site and/or within the building?	No changes to the car parking arrangements within the basement.
	To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?	No amendments to the approved arrangements.
	What relationship does the proportion of the retained building bear to the proposed new development?	No amendments to the approved arrangements.

In summary of the above, the modification is not considered to constitute a radical transformation of the approved development. The building will remain as initially approved and will be constructed with the same positioning of the original building.

The proposed modification does not result in an alteration of the approved FSR, Height and setbacks. Therefore, the modification does not result in radical changes to the buildings footprint or envelope as the existing height bulk and scale of the building are maintained and will not change.

The building will remain essentially the same in terms of textures, aesthetics and form. The development is in essence the same development as approved and maintains use as a housing development. The modification does not result in any additional quantifiable or material impact. The principal and essential features of the original approved development are maintained.

The proposed modification is required to facilitate the development as initially intended by the development consent constituted by the previously issued consent without resulting in changes to the built form or an increased material impact.

The modification is not considered to constitute a radical transformation of the approved development nor alter the reasons why consent was originally granted and will remain substantially the same development as approved. For these reasons the proposal is considered to be qualitative and quantitatively the same development as approved.

Therefore, it is considered that the proposal will remain substantially the same development.

***Section 4.55(1A)(c)(i) and (ii): Notification***

The Section 4.55 modification may require notification to adjoining properties for a fourteen-day period, as per the relevant DCP, for the consenting authorities consideration.

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

The proposal is considered to have met the statutory requirements under Schedule 1 of the Regulation. This Statement has been prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 24 of the Environmental Planning and Assessment Regulation, 2021.

## **State Environmental Planning Policy**

Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

### **The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))**

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

On 1 March 2022 the State Environmental Planning Policy (Resilience and Hazards) 2021 came into effect, this SEPP repeals:

- *State Environmental Planning Policy (Coastal Management) 2018;*
- *State Environmental Planning Policy No 33—Hazardous and Offensive Development; and*
- *State Environmental Planning Policy No 55—Remediation of Land.*

As per the Resilience and Hazards SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: “*The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged*”. *The changes should not impact development application assessment. The Biodiversity and Conservation SEPP should be used for new development and rezoning applications.*”

The applicable repealed SEPPs have been addressed above and the application satisfactorily addresses those repealed policies which now fall under the Resilience and Hazards SEPP.

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

A review of historic aerial photography indicates that the site has historically been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state for the development proposed with respect to contamination.

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

- Chapter 2 –Vegetation in non-rural Areas

The proposed trees to be removed does not hold biodiversity values.

- Chapter 6 – Bushland in Urban Areas

The proposal does not propose to disturb bushland zoned or reserved for public open space.

- Chapter 10 – Sydney Harbour Catchment

The subject site is identified as being located within the area affected by the Sydney Harbour Catchment provision. The proposed development raises no issues as no impact on the catchment is envisaged.

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

### **Chapter 2 – Infrastructure**

The Transport and Infrastructure SEPP has replaced and repealed the following SEPPs:

- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
- *State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and*
- *State Environmental Planning Policy (Three Ports) 2013.*

As per the Transport and Infrastructure SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: “*The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged*”. *The changes should not impact development application assessment. The Biodiversity and Conservation SEPP should be used for new development and rezoning applications.*”

The following checklist is prepared according to the applicable provisions of the SEPP.

## **Local Environmental Plan**

The site is subject to the Bankstown Local Environmental Plan (BLEP) 2015.

### **1.8A Savings provision relating to development applications**

*If a development application has been made before the commencement of this plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this plan had not commenced.*

Consideration has been given to the provisions of Canterbury-Bankstown Local Environmental Plan 2023 in the assessment this application.

In this regard, the provisions have no determining weight as a result of proposed operation of Clause “1.8A Savings provisions relating to development applications” of the Canterbury-Bankstown Local Environmental Plan 2023 which provides “If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”

## **Part 2 – Permitted or Prohibited Development**

### **Clause 2.1 – Land Use Zones**

The subject site is zoned R2 - Low Density Residential and the proposal, seeking modification of consent for “*demolition of all existing structures and the construction of a new two (2) storey dwelling house with a basement, outbuilding, associated landscaping and site works, at No. 65 Kelvin Parade Picnic Point 2213*”.

The proposed development is best described within the BLEP 2015 as a “dwelling house”. A “dwelling house” is identified as a permitted land use with consent within the R2 Low Density Residential Zone under Bankstown Local Environment Plan 2015. A dwelling house is defined below.

***dwelling house*** means a building containing only one dwelling.

*Note—Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.*

## Objectives of the zone

The objectives of the R2 Low Density Residential zone are:

- *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 allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- *To allow for the development of low density housing that has regard to local amenity.*
- *To require landscape as a key characteristic in the low density residential environment.*

It is considered that the proposal is consistent with these zone objectives in that it is a compatible land use with the present and future character of the locality, the centre provides a service that is able to meet the day to day needs of the community, it is capable of maintaining a high level of residential amenity for the locality and it is within an accessible location to transport facilities.

## Part 4 – Principal Development Standards

Applicable LEP Clause	Development Standards	Development Proposal	Comment
4.3 Height of Buildings	9m	7.2m (A-Section)	Compliant
4.4 Floor Space Ratio	0.5:1	0.5:1	Compliant
6.1 Acid Sulphate Soils	Not applicable to subject site.		
6.3 Flood Planning	Not applicable to subject site.		

## Part 5 – Miscellaneous Provisions

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
5.4 Controls relating to miscellaneous permissible uses	Not applicable to subject site.		
5.6 Architectural roof features	2. Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.	The development does not exceed the maximum allowable height limit of 9m.	Compliant



<b>5.7</b> Development below mean high water mark	Not applicable to subject site.
<b>5.10</b> Heritage Conservation	Not applicable to subject site.

## Part 6 – Additional Local Provisions

Applicable BLEP 2015 Clause	BLEP Provisions	Development Provisions	Comment
<b>6.1</b> Acid Sulfate Soils	Not applicable to subject site.		
<b>6.6</b> Active street frontages	Not applicable to subject site.		

### **Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments**

The draft SEPP Design and Place as exhibited aims to simplify and consolidate how to address the need for sustainable and resilient places and deliver good design in NSW.

The changes proposed include consolidating the following existing SEPPs:

- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004

For the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft proposed State Environmental Planning Policy (Design and Place) 2021 is not notified to any consent authorities and so is not a mandatory matter for consideration under section 4.15 of the EP&A Act.

**Comment:** The proposal is not inconsistent with the provisions of this Draft Instrument.

### **Section 4.15(1)(a)(iii) – Any Development Control Plan**

The proposed development is subject to the provisions of the Canterbury - Bankstown Development Control Plan (DCP), as a guide. The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

<b>Controls for Residential Development</b>		
<b>SECTION 2–DWELLING HOUSES AND OUTBUILDINGS</b>		
<b>Applicable DCP Controls</b>	<b>Development Provisions</b>	<b>Complies</b>
<b>2.4 Layout and orientation</b>		
C3 Coordinate design for natural ventilation with passive solar design techniques.	Development will be designed for natural ventilation and will incorporate passive solar design techniques such as a large window in the front façade.	Complies
<b>BUILDING ENVELOPE</b>		
<b>2.5 Height</b> Development for the purposes of dwelling houses must not exceed the following numerical requirements:  a) A maximum two storey built form.  b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.  c) A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.  d) Finished ground floor level is not to exceed 1m above the natural ground level.  Note: Skillion and flat roof forms will be considered on merit.	Complies, as per the submitted Elevations and Sections plan. The proposal is two (2) storey in nature.	Complies
<b>Front Setback - Dwelling houses with frontage of 12.5m or less</b>		
a) Minimum setback of 5.5m from the front boundary. b) Maximum 2m recess for the main entrance from the front building line. c) Where the existing front setback is less than 5.5m, further encroachments by alterations and additions are not acceptable.	8.5m	Complies

### **BUILDING DESIGN - 2.8 General design**

<p>Contemporary built form</p> <p>C1 Contemporary architectural designs may be acceptable if:</p> <p>(a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours.</p> <p>(b) The proposed addition is not visually prominent from the street or from a public space.</p> <p>(c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.</p>	<p>Development will utilise a contemporary built form.</p>	<p>Complies</p>
<p>C2 New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.</p> <p>C3 Access to upper storeys must not be via external stairs.</p> <p>C4 All dwellings must contain one kitchen and laundry facility.</p> <p>C5 Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).</p> <p>C6 Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space.</p>	<p>Development will utilise a contemporary built form with modified internal stairs providing access between floors.</p>	<p>Complies</p>
<b>Building entries</b>		
<p>C7 Entries to residential buildings must be clearly identifiable.</p> <p>C8 The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.</p> <p>C9 A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.</p> <p>C10 Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.</p>	<p>Revised entry to dwelling will be clearly identifiable, with site lines from the lounge room to the street.</p>	<p>Complies</p>
<b>Facade treatment</b>		

<p>C15 Development on corner lots must address both street frontages through facade treatment and articulation of elevations.</p> <p>C16 Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.</p> <p>C17 Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.</p> <p>C18 Facades visible from the street should be designed as a series of articulating panels or elements.</p> <p>C19 The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.</p>	<p>Façade of proposed development is appropriately articulated.</p>	<p>Complies</p>						
<p>C20 The width of articulating panels shall be in accordance with the numerical requirements below:</p> <table border="1"> <thead> <tr> <th>Facade</th><th>Street elevation</th><th>Side elevation</th></tr> </thead> <tbody> <tr> <td>Width of articulating panels</td><td>4m to 6m</td><td>10m to 15m</td></tr> </tbody> </table> <p>Table 6: Width of articulating panels</p>	Facade	Street elevation	Side elevation	Width of articulating panels	4m to 6m	10m to 15m	<p>No articulating panels proposed.</p>	<p>N/A</p>
Facade	Street elevation	Side elevation						
Width of articulating panels	4m to 6m	10m to 15m						
<p><b>Windows</b></p>								
<p>C29 Large windows should be located at the corners of a building and may be designed as projecting bay-windows.</p>	<p>New windows will be appropriately located to provide articulation, ventilation and sunlight.</p>	<p>Complies</p>						
<p>C30 Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated.</p> <p>C31 Windows must be rectangular.</p> <p>C32 Square, circle and semi-circle windows are acceptable in moderation.</p> <p>C33 Vertical proportioned window openings can include multi-panel windows or multi-panel doors.</p> <p>C34 Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.</p> <p>C35 Dormer windows on buildings in the residential zone do not appear as</p>	<p>New windows will be rectangular and appropriately located to reduce summer heat load and maximise sunlight in winter.</p>	<p>Complies</p>						

<p>additional storey must comply with the following design requirements:</p> <ul style="list-style-type: none"> <li>• Individual dormers are no wider than 1.5m in width;</li> <li>• Provide a minimum 2.5m separation between dormers; and</li> <li>• Dormers do not extend encroach above the ridgeline of the building.</li> </ul>		
<b>2.11 Visual privacy</b>		
C1 Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.	Development will be oriented to maximise visual privacy between buildings, on and adjacent to the site.	Complies
<p>C2 Minimise direct overlooking of rooms and private open space through the following:</p> <p>(a) Provide adequate building separation, and rear and side setbacks; and</p> <p>(b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties.</p>	Development will be designed to minimise direct overlooking of rooms and private open space of adjoining dwellings.	Complies
<p>C3 If living room windows or private open spaces would directly overlook a neighbouring dwelling:</p> <p>(a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or</p> <p>(b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.</p>	Windows and private open spaces will be positioned to minimise overlooking.	Complies
C4 Screening of bedroom windows is optional and dimensions are not restricted.	Noted.	Noted.
<b>Swimming pools</b>		
<p>C13 Swimming pools must not be located within any front setback.</p> <p>C14 Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the</p>	Swimming pool will be located in rear of the site. It will setback at least 1m from all boundaries.	Complies

setback area to screen the pool from neighbours.		
<b>2.15 Building services</b>		
<p>All letterboxes be installed to meet Australia Post standards.</p> <p>Design and provide discretely located mailboxes at the front of the property.</p> <p>Integrate systems, services and utility areas with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.</p> <p>Facilities should not be visually obtrusive and should not detract from soft-landscaped areas that are located within the required setbacks or building separations.</p> <p>Appliances that are fitted to the exterior of a building, and enclosures for service meters, do not detract from the desired architectural quality of new building, or the desired green character of streetscapes.</p>	Any building services, units, metres and letter boxes will be complimentary to the design of the building and not detract from the streetscape.	Complies
<p>Unscreened appliances and meters should not be attached to any facade that would be visible from a street or driveway within the site:</p> <p>(a) Screen air conditioning units behind balcony balustrades;</p> <p>(b) Provide screened recesses for water heaters rather than surface - mounting them on exterior walls; and</p> <p>(c) Locate meters in service cabinets.</p> <p>Screen or treat air conditioning units, TV antennae, satellite dishes, ventilation ducts and other like structures so they are not visible on the street elevation.</p> <p>Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.</p>	Any unscreened appliances, meters, air conditioning units, TV antennae, satellite dishes, ventilation ducts and other ancillary structures will be integrated into the overall facade and balcony design and not be visible from the street.	Complies
<p>Location and design of service areas should include:</p> <p>(a) Screening of clothes drying areas from public places; and</p>	Clothes drying and storage areas will be integrated into the building design and will not be visible from the street.	Complies

(b) Space for storage that is screened or integrated with the building design.		
<p>Minimise visual impact of solar hot water systems by:</p> <p>(a) Placing the system as unobtrusively as possible, both to the street and neighbouring properties;</p> <p>(b) Using a colour that is consistent with the colour of roof materials;</p> <p>(c) Designing solar panels, where possible, as part of the roof;</p> <p>(d) Setting the solar panels back from the street frontage and position below the ridgeline; and</p> <p>(e) Separate the water storage tank from the solar collectors and place on a less visually obtrusive part of the roof, or within the building (for example, the roof space or laundry).</p>	Proposed solar hot water system will be visually unobtrusive.	Complies

**(iiia) 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 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 to 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**

<b>Natural Environment</b>	The proposed development is located in a well-established residential environment on an allotment with appropriate zoning for the proposed use. The proposed development is designed to operate at a domestic scale which does not result in unreasonable acoustic or air pollution. The design, location and siting of the building is orientated to maximise solar access and includes sustainable measures for water and energy consumption. Overall, the proposal is designed to mitigate any potential impacts on the natural environment.
	The proposed development is predominantly designed and sited in accordance with the relevant built form controls, compatible with



<b>Built Environment</b>	the existing streetscape patterns and achieves the desired future character of the area. Where the development has not demonstrated compliance with those controls, the relevant objectives are achieved, and impact is mitigated and minimised where practical. Overall, as demonstrated in this statement, it is unlikely that the development will consist of an adverse impact on the built environment.
<b>Social Impacts</b>	There are no adverse social impacts identified with the provision of a housing within a R2 Low Density Residential zone. The development provides for housing needs of the community within a low-density residential environment.
<b>Economic Impacts</b>	No adverse negative economic impacts are likely to result from any residential development. However, the proposed development is likely to contribute to a range of economic benefits such as generation of local jobs, utilise existing infrastructure and services and encourage the use of local business and local economy.

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

The subject site is appropriately zoned for the proposed use, and the development is not considered to result in adverse material, environmental, social or economic impacts. 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.

#### **(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.

### **CONCLUSION AND RECOMMENDATION**

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 *demolition of all existing structures and the construction of a new three (3) storey dwelling house with triple garage and associated landscaping* at 65 Kelvin Parade, Picnic Point.

**Statement prepared by B&M Town Planning Services.**