



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STRUCTURES, TREE REMOVAL AND THE
CONSTRUCTION OF A DWELLING HOUSE AND A SWIMMING POOL

19 KEITH STREET | EARLWOOD

CLIENT: NGUYEN
REF: 23117
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1 INTRODUCTION

This Statement of Environmental Effects is to accompany a development application to Canterbury Bankstown Council seeking consent to demolish existing structures, remove trees and construct a dwelling house and a swimming pool at No. 19 Keith Street, Earlwood.

The proposal has been designed by 868 Architects and is detailed on the accompanying architectural drawings.

As outlined in this report, the proposal complies with the relevant planning controls as prescribed by Canterbury Bankstown LEP and DCP 2023. This Statement of Environmental Effects is supplemented by the following:

- **Survey Plan:** Prepared by Chami & Associates;
- **Landscape Plan:** Prepared by Site Image Design;
- **Stormwater Plan:** Prepared by AE Consulting Engineers;
- **Geotechnical Report:** Prepared by AE Consulting Engineers;
- **Swept Path Analysis:** Prepared by Park Transit;
- **Basix Certificate:** Prepared by House Energy.

This Statement of Environmental Effects evaluates the subject site and its context, details the proposed works, and provides an assessment of the proposed development with consideration to the relevant planning framework and the impacts of the development on the natural and built environment in accordance with S.4.15 of the Environmental Planning & Assessment Act, 1979 (Section 4).

This Statement concludes that the application is satisfactory and achieves an appropriate response to development that is anticipated within the R2 – Low Density Residential Zone. In addition, this Statement concludes that the development will have an acceptable impact on the natural and built environment and is recommended for approval.

2 SUBJECT SITE AND SURROUNDING DEVELOPMENT

The subject site is located on the north-western side of Keith Street and is known as No. 19 Keith Street, Earlwood. The site has a legal description of Lot 10 in DP 13500 and its location is shown in Figure 1.

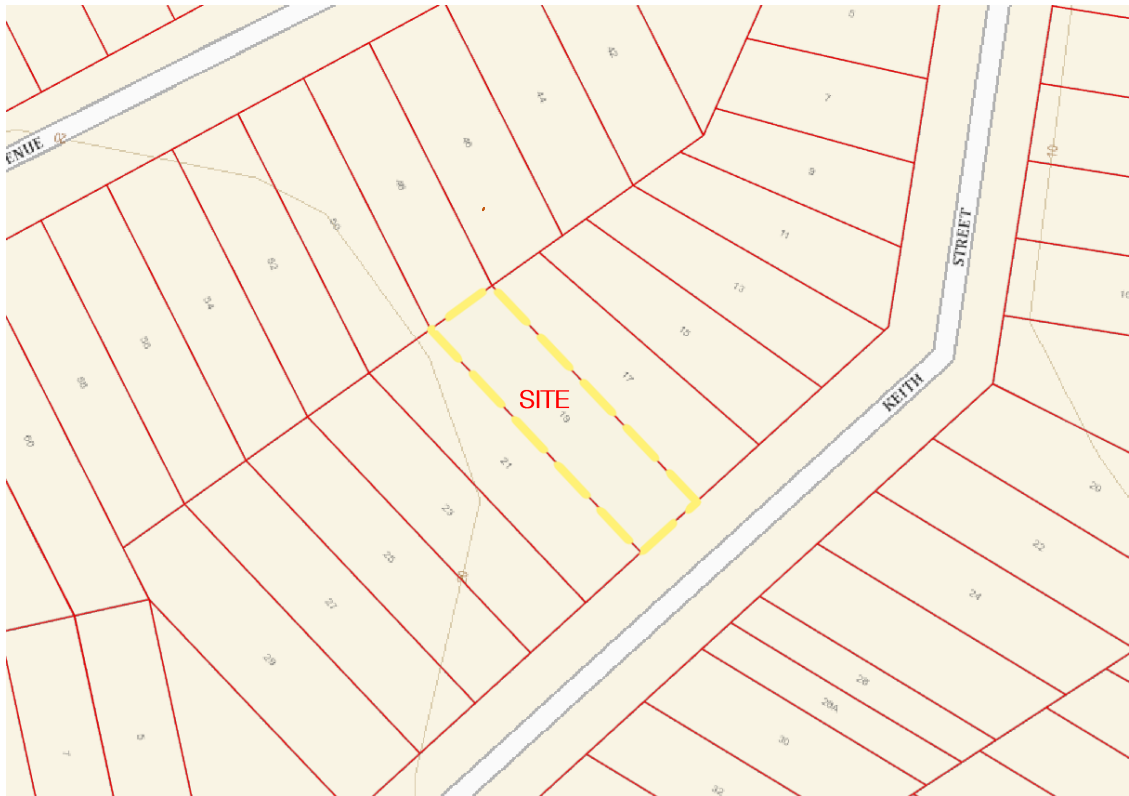


Figure 1: Subject Site (Source: NSW Planning Portal)

The development site has a regular shape with parallel side boundaries and an angled rear boundary. The site has dimensions to the east, west, north and south boundaries of 53.395m, 55.03m, 13.55m and 13.41m, respectively. The site has total area of 726m² and falls from north to south, towards Keith Street, by appropriately 6m across its length, and more steeply within the site's street frontage.

As shown on the submitted Survey Plan, the site is not burdened or benefited by any easements or restrictions.

The subject site is located on a north-west to south-east axis, consistent with the subdivision pattern of the adjoining lots, as shown in Figure 1. The site contains 2 existing trees, 1 large canopy tree within the backyard and 1 smaller ornamental tree with the street frontage. There is also a street tree near to the site, fronting No. 17, which will be unimpacted by the proposal.

Existing on the site is a single storey dwelling that is positioned towards the middle of the site. The dwelling is of masonry construction with a sandstone plinth fronting street and has a pitched tiled roof. The dwelling contains windows that overlook the street and an area of private open space within the backyard, as well as a timber deck attached to the

rear of the existing dwelling. The site has pedestrian and vehicular access from the street, including a vehicle manoeuvring area adjacent to the dwelling.

The north-eastern side of the site enjoys district views in a general north-easterly direction and is also positioned high above the site which allows for an outlook over Keith Street.

Photographs of the existing dwelling are included at Figures 2 to 4.



Figure 2: Existing dwelling



Figure 3: Side access to the existing dwelling



Figure 4: District views in a north-easterly direction from the eastern side boundary of the site



Figure 5: Rear elevation of the existing dwelling



Figure 6: The site's backyard

2.1 Adjoining Properties & Locality

The subject site shares a common boundary with 3 adjoining properties, being Nos. 17 and 21 Keith Street (side) and No. 48 Prince Edward Avenue to the rear, as shown in Figure 7.



Figure 7: Aerial View (Google Maps)

Adjoining the subject site to the south-west is No. 21 Keith Street. This property contains a 2 to 3 storey dwelling house of masonry construction and with a pitched tiled roof. The dwelling has basement parking, street fronting balconies and a street setback of 7.5m. Within the backyard of No. 21 is an inground swimming pool which is set centrally to its site and shielded from view from the subject site by a rear portion of its existing dwelling. The backyard of No. 21 is bordered by mature hedges. Photographs of No. 21 are provided at Figures 8, 9 and 10.



Figure 8: Nos. 21 and 23 Keith Street



Figure 9: No. 21 Keith Street viewed from the subject site



Figure 10: No. 21 Keith Street viewed from the backyard of the subject site

The property at No. 17 Keith Street contains an older style 1 to 2 storey dwelling house that is oriented towards the street and backyard of its site. The building is of masonry and stone construction, and has a pitched tiled roof. The property has a 7.4m street setback, garden areas within its backyard and is positioned at a lower topographical height compared to the height of the subject site (evidenced by the photograph provided at Figure 4 and existing cross viewing that is available). A street view of No. 17 is shown at Figure 11.



Figure 11: No. 17 Keith Street

Located on the opposite side of Keith Street are 1 and 2 storey dwelling houses, which, due to the natural topographical fall of the area, are positioned lower than street level. The dwellings at Nos. 26, 28, 28A and 30 Keith Street are shown in Figure 12.



Figure 12: Nos. 26, 28, 28A and 30 Keith Street

Located to the rear of the site (No. 48 Prince Edward Avenue, visible in Figure 7) is a 2 to 3 storey dwelling that is positioned adjacent to its street frontage. The backyard of No. 48 is located adjacent to the subject site, including dense landscaping, a swimming pool and associated outbuilding. An aerial view of No. 48 in the context of the subject site and adjoining properties is provided at Figure 13.



Figure 13: Aerial view of No. 48 Prince Edward Avenue

3 PROPOSED DEVELOPMENT

The proposal seeks consent for the demolition of existing structures, tree removal and the construction of a stepped, 2 to 3 storey with basement parking, a swimming pool and related ancillary structures.

The proposed development is designed by 868 Architects.

3.1 Demolition

The proposal involves demolition of all existing structures. Demolition will be undertaken by a licenced contractor in accordance with AS 2601: 2001 and any relevant conditions of development consent.

3.2 Proposed Dwelling

The proposal seeks consent for the construction of a stepped 2 to 3 storey dwelling house at the site that is designed to step up the site slope and is located in the general location of the existing dwelling and extending towards the street frontage. The proposed dwelling is compliant with the FSR and building height development standards, and has compliant side, rear and street setbacks, and is therefore within the anticipated building envelope for the site.

The proposed basement level and is to contain 2 parking spaces and sufficient space to allow vehicles to manoeuvre and exit in a forward direction, bin storage, services room, storage spaces, and stair and lift access to the ground floor above. Access to this level is secured via garage door at the basement entrance point. There is a separate pedestrian access stair that connects to the street frontage.

The ground floor level is to contain the primary living areas of the dwelling including an open plan dining, living and kitchen area, a butler's pantry, a laundry, and an internal courtyard with a winter garden adjoining that is obstructed from view from the neighbouring property by a blade wall. The pedestrian connection to the dwelling is located on the north-eastern side of the dwelling, in a similar location to the existing dwelling's pedestrian connection. Fronting the street is a guest bedroom with a balcony that overlooks the street. Located forward of the balcony is a non-trafficable landscaped roof with an elevated landscape arch that extends into the street setback and will be an architectural feature of the dwelling. The proposed north-west facing alfresco area connects to the backyard and proposed swimming pool beyond.

The proposed upper-most level is to contain bedroom spaces, including a master bedroom with separate walk-in-robe and an ensuite bathroom, 3 additional bedrooms both with wardrobe spaces and ancillary bathrooms, and a rumpus room is located centrally to the floor. Access is provided to this level by lift and an internal stair. This level is recessed from the storey below with increased (2m) setbacks at both sides. One of the street fronting bedrooms is designed with operable privacy louvres, and several skylights are located within the roof. Upper level side facing windows to habitable rooms are designed with frosted/opaque glass to create an effective sill height of 1.5m that allows for the district views to be captured, whilst maintaining reciprocal privacy with the neighbour at No. 17 Keith Street. A non-trafficable roof-top planter surrounds the entire

upper floor and a rear balcony is proposed off the master bedroom with edge private screens and outlook towards the site's backyard.

A void cuts through the north-eastern side of the dwelling to a landscaped roof below, which will add to the amenity offered to internal spaces within the dwelling that adjoin the void. An internal dwelling void is located on the south-western side of the dwelling and this creates a double height space to the ground floor kitchen below.

The dwelling edges/eaves and recessed upper level is bordered with a landscape planter and portions of stone cladding which combine to create a visual feature when viewed internally and externally, as well as privacy to the neighbouring properties.

3.2.1 External Finishes & Appearance

Material treatments include concrete rendered elements, aluminium batten cladding and screens, stone tiles, dark finish window doors and frames, and overflowing landscape planters. The proposal is to have a flat roof with timber soffits for the balconies and angled roof eaves. The building is designed as a series of stepped building forms in order to minimise building height, bulk and scale, and is softened by proposed landscaping. A photomontage of the proposal is provided at Figure 14.



Figure 14: Photomontage of the proposal – street elevation

3.3 Swimming Pool and Landscaping

The proposal includes removal of the existing ornamental trees located within the street frontage and retention of the canopy tree within the site's backyard. The trees proposed for removal have low retention value and will be readily replaced as part of the proposed landscape scheme.

The submitted Landscape Plan indicates hedge planting along boundaries, useable turf areas within the backyard, and similarly landscaped spaces as layered terracing within the site frontage. The landscape design approach within the front setback accommodates the site slope towards the street, and achieves a higher level of visual interest that integrates well with the planter box edges and landscape arch that fronts the street. Proposed planting within the planter boxes that border the middle and upper most levels of the dwelling will contain low maintenance species that soften the edges of the building, whilst creating private spaces for the dwelling occupants. A soil depth of 450mm will be achieved within the planter box spaces. Aside of the defined balcony spaces, all roof planted areas will be non-trafficable and is designed with low maintenance plans, as detailed on the submitted landscape plans.

The proposal includes generous landscape edges to the side boundaries and are designed to contain a combination of landscaping and a maintenance access path to the north-eastern boundary.

The street boundary is lined within a concrete rendered masonry wall that ranges in height from 0.7m to 1m, and a centrally located pedestrian entrance gate is proposed that has a height of 800mm.

Located within the backyard of the subject site is a proposed inground swimming pool and associated cabana with a bathroom, and a separate plant area that will house pool related equipment. The swimming pool has general dimensions of 5.4m x 8.1m and has an infinity edge that faces towards the proposed living area.

The proposed pool is excavated into the site slope and the proposed cabana is located near to the existing ground levels of the site. The backyard is designed as a series of active and passive recreational spaces that are bordered by landscaping.

3.4 Stormwater Management

A stormwater design is submitted with the application, which was prepared by AE Consulting Engineers. All roof stormwater will be directed to a BASIX compliant rainwater tank, with overflow stormwater diverted to the street drainage system by gravity.

4 STATUTORY PLANNING ASSESSMENT

Provided below is a statutory planning assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. This assessment considers the following:

- Relevant planning policies and controls - Section 4.15(1)(a);
- Impacts on the natural and build environment - Section 4.15(1)(b);
- The suitability of the site for the development - Section 4.15(1)(c); and
- The public interest - Section 4.15(1)(e).

4.1 Compliance with Planning Controls (Section 4.15(1)(a))

The following provides an assessment of the statutory and non-statutory planning policies that apply to the application under Section 4.15(1)(a) of the Environmental Planning and Assessment Act, 1979. The relevant policies are listed as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- SEPP (Sustainable Buildings) 2022;
- Canterbury Bankstown Local Environmental Plan 2023; and
- Canterbury Bankstown Development Control Plan 2023.

Below is a consideration of the relevant State and Local planning provisions and an assessment of the proposed development.

4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP replaces former SEPP No. 33, SEPP No. 55 and SEPP (Coastal Management) 2018 and commenced on 1 March 2022. The SEPP contains separate chapters which prescribe controls to replace the abovementioned repealed SEPPs. Provided below is a response to Chapter 4 Remediation of Land. Chapter 2 Coastal Management and Chapter 3 Hazardous and offensive Development are not relevant to the site and subject proposal.

Chapter 4 – Remediation of Land

A review of aerial photographs indicates that the subject site has been historically used for residential purposes, with no other known use of the property. On this basis, there are no reasons to suspect that it is contaminated or requires any remediation works. The provisions of Chapter 4.6 of the SEPP are therefore satisfied, and the consent authority is able to support the proposed development.

4.1.2 SEPP (Sustainable Buildings) 2022

The proposal is defined as BASIX development and under the SEPP a BASIX Certificate is required, which also quantifies the embodied energy of the proposal. A BASIX Certificate has been obtained for the proposal which demonstrates that the development, once operational, will comply with the thermal and energy requirements of the SEPP, and specifies the proposed primary building materials. Where required the BASIX commitments have been indicated on the DA drawings.

4.1.3 Canterbury Bankstown LEP 2023

CBLEP 2023 identifies the subject site as being located within the *R2 – Low Density Residential* zone. Amongst other things, dwelling houses and swimming pools are permissible with consent from Council. The proposal is therefore permissible development with consent. In addition, the proposal is consistent with the consistent with the relevant zone objectives, as detailed below:

- *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 uses that are compatible with residential uses and do not adversely affect the living environment or amenity of the area.*
- *To ensure suitable landscaping in the low density residential environment.*
- *To minimise and manage traffic and parking impacts.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To promote a high standard of urban design and local amenity.*

A review of relevant LEP maps indicates that the site is not flood affected, bushfire prone, as containing terrestrial biodiversity, natural landform nor as riparian land.

Provided at Table 1 is a consideration of the development standards and relevant LEP provisions that apply to the subject site and proposed development.

TABLE 1: RELEVANT PROVISIONS OF CBLEP 2023		
Provision	Proposal	Complies
4.3 Building Height Maximum 9.5m	Maximum height = 9.46m	Yes
4.4 Floor Space Ratio Area 2 – Maximum 0.5:1 Max gross floor area of 363m ² based of the site area of 726m ² .	Proposed GFA = 362m ² FSR of 0.5:1	Yes
6.1 Acid Sulfate Soils Class 5	The site is located and on a hill and will not impact on the watertable. As such no acid sulfate soils management plan is required.	Yes
6.2 Earthworks In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	The proposed excavation for the basement level and aspects of the ground floor level will not give rise to any off-site drainage impacts.	Yes

TABLE 1: RELEVANT PROVISIONS OF CBLEP 2023		
Provision	Proposal	Complies
(b) the effect of the development on the likely future use or redevelopment of the land,	The proposal will not affect the ability to use the property for residential purposes.	Yes
(c) the quality of the fill or the soil to be excavated, or both,	The excavated material from the site will be natural material and generally reused on site where possible or disposed of to the appropriate facility.	Yes
(d) the effect of the development on the existing and likely amenity and structural integrity of adjoining properties,	Excavation is within commonly expected limits and is not expected to impact on the structural integrity of adjoining properties. It is anticipated that Council will require dilapidation surveys as part of the Construction Certificate process.	Yes
(e) the source of any fill material and the destination of any excavated material,	No imported fill required.	Yes
(f) the likelihood of disturbing relics,	Relics are not likely to be discovered at the site given the existing building located and adjoining disturbed open spaces.	Yes
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	Standard construction management techniques, and erosion and sediment controls measured will be employed to prevent any adverse impacts on the adjacent waterway.	Yes
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	As above, typical construction management measures including silt fencing will mitigate impacts of excavation.	Yes

In light of the above, the proposal is consistent with all relevant provisions of CBLEP 2023.

4.1.4 Canterbury Bankstown DCP 2023

A response to the relevant provisions of CBDCP 2023 as they apply to dwelling houses, swimming pools and ancillary structures in the R2 Zone is provided in Table 2.

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDCP 2023		
Provision	Proposal	Complies
Chapter 3 – General Requirements		
3.2 Parking 2 spaces required	2 spaces provided.	Yes
3.3 Waste Management 3.3 Development must provide an adequate sized bin storage area behind the front building line to accommodate all allocated bins.	Basement bin storage location provided.	Yes
3.4 The location of the bin storage area must not adversely impact on the streetscape, building design or amenity of	Basement bin storage location provided.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<p>dwelling.</p> <p>3.5 The location of the bin storage area should ensure this area: (a) is screened or cannot be viewed from the public domain; and (b) is away from windows of habitable rooms to reduce adverse amenity impacts associated with noise, odour and traffic.</p> <p>3.6 The location of the bin storage area is to be convenient to use for the dwelling occupants and caretakers, through reducing the bin travel distance from the bin storage area to the nominated kerbside collection point. The bin-carting route from the bin storage area to the collection point must not pass through any internal areas of the building/dwelling and must avoid stairs or slopes.</p> <p>3.8 Dwellings are to have access to an adequately sized on-site storage area to store bulky waste awaiting collection.</p> <p>3.9 Development must comply with the requirements of the applicable Waste Design for New Developments Guide.</p>	<p>Basement bin storage location provided.</p> <p>Convenient location proposed, which is directly accessed from the proposed lift and stair access.</p> <p>Basement bin storage location provided.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>-</p>
<p>3.7 Landscape Existing vegetation and natural features</p> <p>2.1 New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.</p> <p>2.2 Development, including alterations and additions, is to minimise earthworks (cut and fill) in order to conserve site soil. Where excavation is necessary, the reuse of excavated soil on site is encouraged.</p> <p><u>Trees</u> 2.6 Development must consider the</p>	<p>The proposed landscaping will substantially improve the appearance of the site and its contribution to the local character. It includes removal of large concreted areas from the site frontage, a range of new canopy trees, mid-storey plantings, ground covers and feature plants, as detailed in these submitted landscape plans.</p> <p>Excavation is limited to the building footprint and will contain parking and ancillary structures. Soil will be reused on-site where possible and otherwise disposed of at the appropriate off-site facility. Given the site cross fall, cut and fill has been balanced to create an appropriate relationship with the neighbouring properties as shown in the submitted Short Section.</p> <p>Existing ornamental trees within the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
retention of existing trees in the building design.	site frontage are proposed for removal, which are considered to have low retention value. Removal of these trees will be suitably offset by the proposed landscaping. The existing canopy tree within the site's backyard will be retained.	
2.7 Development must plant at least one canopy tree for every 12m of front and rear boundary width and: (a) Canopy trees are to be of a minimum 75 litre pot size. (b) Use deciduous trees in small open spaces, such as courtyards, to improve solar access and control of microclimate. (c) Place evergreen trees well away from the building to allow the winter sun access. (d) Select trees that do not inhibit airflow. (e) Provide shade to large hard paved areas using tree species that are tolerant of compacted/deoxygenated soils.	Refer to the submitted landscape plans for details. Council may also choose to impose suitable consent conditions to supplement the submitted landscape plans.	Yes
2.8 Development must provide street trees that will contribute to the canopy where possible.	The existing street tree fronting No. 17 Keith Street is proposed to be retained.	Yes
Chapter 5 – Residential Accommodation		
Section 2 – Dwelling Houses		
<u>2.1 Minimum lot size and frontage</u> C1 The minimum primary street frontage width for dwelling houses is 15m.	13.41m, as existing.	N/A
<u>2.2 Site coverage</u> Maximum building footprint of 380m ² Maximum total site coverage of 40%	281m ² 267m ² (36.8%)	Yes Yes
<u>2.3 Landscaping</u> Min. deep soil area – 25% with min. dimension of 2.5m.	Required – 181m ² Proposed - 128m ² with min. 2.5m dimension – 17.63%. However, including all deep soil areas (regardless of dimension), a deep soil area of 200m ² or 27.55% is achieved, which exceeds compliance and will assist with site landscaping and absorption of stormwater, as intended for deep soil areas.	On-merit
<u>2.4 Layout and Orientation</u> C1 Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.	High levels of solar access, natural light and ventilation will be available.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
C2 Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.	Overshadowing is compliant with the DCP provisions and reasonably shared between the neighbouring properties given the north-east to south-west orientation of the site. Refer to discussion provided at Section 4.2.	Yes
C3 Coordinate design for natural ventilation with passive solar design techniques.	High levels of solar access, natural light and ventilation will be available.	Yes
C4 Site new development and private open space to avoid existing shadows cast from nearby buildings.	The development is appropriately cited to maximise the opportunities available, including solar access, cross ventilation and view district corridors.	Yes
C5 Site a building to take maximum benefit from cross-breezes and prevailing winds.	As above.	Yes
C6 Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.	Excellent passive surveillance of the street frontage will be available from the proposed balconies and adjacent habitable room windows.	Yes
<u>2.5 Height</u> <ul style="list-style-type: none"> Max. 2 storey form 	<p>As viewed from the street and neighbouring properties, above the existing ground level, the dwelling has been designed as a series of stepped two storey elements and primarily presents to the front, side and rear boundaries as a two storey form. There is a small portion of the form in the location of the basement which has partial height of three storeys, however, this is a confined portion of the building that is nonetheless compliant with the LEP height limit and there will be no unreasonable overshadowing or privacy impacts created on the neighbours. The variation will not be visible from the public domain and is a direct result of the site slope. In addition, the proposed form is representative of many 2 to 3 storey dwellings that are near to the site.</p>	On-merit
<ul style="list-style-type: none"> Max. 7m wall height 	Closest to the street, the south-western facade exceeds the 7m wall	On-merit

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<ul style="list-style-type: none"> Finished ground floor level is not to exceed 1m above the natural ground level. <p><u>Basement and sub-floor projection</u> Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.</p> <p><u>Basement and sub-floor</u> Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.</p>	<p>height limit by up to 2m and the north-eastern facade exceeds the 7 metre height limit by up to 1.45 metres. For the same reasons as identified above relating to the storey height variation, these variations are considered acceptable as there will be no unreasonable amenity impacts on the neighbouring properties, the proposed dwelling sitting comfortably between the neighbouring dwellings (refer to the Short Section provided at drawing No. 30), and the uppermost level is recessed to have generous site setbacks of 2 metres on each side, which exceeds the DCP requirements. This recessed setback benefits solar access to the south-western neighbour and reduces visible building bulk.</p>	On-merit
	<p>Generally compliant (see 1m height line shown on the basement floor plan), although due to the site slope, and a small section of the street fronting balcony above is above the 1m height. As this balcony overlooks the street and is positioned nearby to the balcony of No. 21 Keith Street, there will be no unreasonable overlooking of adjoining neighbours, hence, there is no associated impact with the variation and it is therefore deemed acceptable.</p>	
	<p>As detailed above, the proposed basement is largely concealed below ground level as detailed within the submitted sections. The portion of the basement that is 1m above the EGL is forward of the building and will not visually contribute to the 3 storey rise of the building as viewed from the public domain.</p>	Yes
	<p>Consistent with more recent development on the high side of the street, basement parking is proposed, which can easily be accommodated on the subject site with its slope towards the street and ability to</p>	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<p>achieve appropriate driveway gradients and a basement level that is concealed below ground level.</p> <p><u>2.6 Setbacks</u></p> <ul style="list-style-type: none"> Front – min. 6m or average of neighbours, max. 2m recess for building entry 	<p>The proposed front setback (7.26m) aligns between the setbacks of the neighbouring dwellings, as depicted on the submitted plans, noting also that the DCP allows <i>elements that articulate a front elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the required front setback articulation zone</i>, consistent with the proposed planted spaces/eaves. The proposed landscape arch that extends into the site's frontage is a landscape feature that will contribute to the site's streetscape appearance, whilst being a relatively minor visual part of the building when compared to the dominant scale of the proposed dwelling behind.</p>	On-merit
<ul style="list-style-type: none"> Side – 1m Rear – 6m 	<p>1 to 2m. 14.926m</p>	<p>Yes Yes</p>
<p><u>Exceptions and other requirements</u></p> <p>C3 External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.</p>	<p>Noted.</p>	-
<p>C4 For first floor additions, front and side setbacks may match the ground floor wall alignment of the existing dwelling for a depth of 10m or 50% of the length of the facade, whichever is the greater.</p>	<p>Not applicable.</p>	N/A
<p>C5 Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.</p>	<p>1m.</p>	Yes
<p>C6 Swimming pools must not be located within any front setback.</p>	<p>Backyard location proposed.</p>	Yes
<p>C7 One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise</p>	<p>Noted.</p>	-

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
more than 50% of the rear boundary frontage to a lane and not be wider than 6m.		
C8 For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback.	Basement parking proposed.	N/A
C9 Car parking structures must satisfy the Building Code of Australia requirements.	Noted.	Yes
C12 The following minor building elements may project up to 1m into the minimum side setback area:	Noted.	-
<ul style="list-style-type: none"> a. Roof eaves, awnings, pergolas and patios; b. Stair or ramp access to the ground floor; c. Rainwater tanks; and d. Terraces above basement parking that are no higher than 1m above ground level e. (except dwelling houses, semi-detached dwellings and dual occupancy). 	Roof eaves in the form of contemporary planter boxes have been excluded as they have a comparable horizontal width as a traditional eave (700mm) and serve the same weather protection function.	Yes
C13 Elements that articulate a front elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the required front setback articulation zone.	Noted. See comments above relating to the proposed landscape arch located within the front setback.	Yes
C14 On steeply sloping land basements and basement parking are acceptable only if they:		
<ul style="list-style-type: none"> a. Do not extend beyond the exterior walls or ground floor patios of the dwelling. 	Confined within the building footprint, with exception of the driveway access point.	Yes
<ul style="list-style-type: none"> b. Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room. 	Complies.	Yes
<ul style="list-style-type: none"> c. Are not capable of future alteration to accommodate any habitable room. 	Complies.	Yes
2.8 General design		
<u>Contemporary built form</u>		
C1 Contemporary architectural designs may be acceptable if:		
(a) A heritage listing does not apply to the	No heritage listing on or near to the	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDCP 2023		
Provision	Proposal	Complies
existing dwelling or to its immediate neighbours.	site.	
(b) The proposed addition is not visually prominent from the street or from a public space.	Not applicable.	N/A
(c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.	Not applicable.	N/A
C2 New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.	Not applicable.	N/A
C3 Access to upper storeys must not be via external stairs.	None proposed.	Yes
C4 All dwellings must contain one kitchen and laundry facility.	Complies.	Yes
C5 Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).	Not applicable.	N/A
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.	Not applicable.	N/A
<u>Building entries</u>		
C7 Entries to residential buildings must be clearly identifiable.	Clearly visible and legible pedestrian entry proposed.	Yes
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.	Not applicable.	N/A
C9 A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.	Complies.	Yes
C10 Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures. Internal dwelling layout	Direct lines of sight available.	Yes
C11 Design interiors to be capable of accommodating the range of furniture	Complies.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
that is typical for the purpose of each room.		
C12 The primary living area and principal bedroom must have a minimum dimension of 3.5m.	Primary living – min. width of 6m Master bedroom– min. width of 3.6m	Yes
C13 Secondary bedrooms must have a minimum dimension of 3m.	3.m.	Yes
C14 Provide general storage in addition to bedroom wardrobes and kitchen cupboards.	Ample storage options available within the dwelling.	Yes
<u>Facade treatment</u> C15 Development on corner lots must address both street frontages through façade treatment and articulation of elevations.	Not applicable.	N/A
C16 Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.	Non-reflective and contemporary finishes and materials proposed.	Yes
C17 Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.	Various horizontal projections and articulated elements proposed that create varying shading, light and visual interest.	Yes
C18 Facades visible from the street should be designed as a series of articulating panels or elements.	High levels of articulation and visual interest proposed to the street fronting façade.	Yes
C19 The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.	Not applicable.	N/A
C21 Avoid long flat walls along street frontages - stagger the wall alignment with a step (not a fin wall of other protruding feature) of at least 0.5m for residential buildings.	As above, complies.	Yes
C22 Vary the height of modules so they are not read as a continuous line on any one street between 2 - 4 storeys, step-back to the middle component and again at the top.	Stepped 2 storey height proposed.	Yes
C23 Incorporate contrasting elements in the facade - use a harmonious range of high quality materials, finishes and detailing.	Contrasting masonry, stone, timber/aluminium and landscape elements proposed.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
C24 Screen prominent corners with awnings, balconies, terraces or verandas that project at least 1 m from the general wall alignment.	Not applicable.	N/A
<u>Pavilions</u> C25 The top storey of any two-storey dwelling should be designed as a series of connected pavilion elements to minimise scale and bulk.	Complies.	Yes
C26 Facades that exceed 25m in length shall be indented to create the appearance of multiple pavilion elements.	Max. facade length of 15m proposed.	Yes
C27 Pavilion elements shall have a depth between 10-15m.	Not applicable.	N/A
C28 Articulate upper storey pavilions with an additional side boundary setback, and identify by separate roofs.	Not applicable.	N/A
<u>Windows</u> C29 Large windows should be located at the corners of a building and may be designed as projecting bay-windows.	Noted.	-
C30 Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated.	BASIX compliant.	Yes
C31 Windows must be rectangular.	Complies.	Yes
C32 Square, circle and semi-circle windows are acceptable in moderation.	Noted.	-
C33 Vertical proportioned window openings can include multi-panel windows or multi-panel doors.	Noted.	-
C34 Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.	Complies, and the proposal is BASIX compliant.	Yes
<u>Ventilation</u> C36 Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).	The dwelling will have excellent cross ventilation.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
C37 Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.	Not applicable.	N/A
<u>2.9 Roof design and features</u>		
C1 Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.	Contemporary flat roof proposed to minimise building height.	Yes
C2 Avoid complex roof forms such as multiple gables, hips and valleys, or turrets.	As above.	Yes
C3 Roof pitches are to be compatible and sympathetic to nearby buildings.	The area displays a variety of pitched roofs, skillion roofs and flat roofs. The proposal is consistent with this variety.	Yes
C4 Parapet roofs that increase the height of exterior walls are to be minimised.	Not applicable.	N/A
C5 Use minor gables only to emphasise rooms or balconies that project from the body of a building.	Not applicable.	N/A
C6 Mansard roofs (or similar) are not permitted.	Flat roof proposed.	Yes
C7 Pitched roofs should not exceed a pitch of 30 degrees.	As above.	Yes
C8 Relate roof design to the desired built form and context.	The proposal is for a residential dwelling with contemporary appearance and functionality.	Yes
C9 Roofs with greater pitches will only be considered on merit taking into account matters such as streetscape, heritage value and design integrity.	Not applicable.	N/A
<u>AMENITY</u>		
<u>2.10 Solar access and overshadowing</u>		
Solar access to proposed development Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June.	The site and proposed dwelling has northern-east to north-west orientation and therefore achieves easily solar access compliance.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area.	In excess of 3 hours to the backyard and street fronting balconies will be achieved.	Yes
Dwellings must comply with the following: (a) At least one living room window and at least 50% or 35m ² with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space.	As above, the proposal is easily compliant.	Yes
(b) Receive a minimum of 3 hours sunlight between 8.00am and 4.00pm on 21 June.	As above, the proposal is easily compliant.	Yes
(c) Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%.	Not applicable.	N/A
<u>Solar access to neighbouring development</u> C4 Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.	The north-east to south-west orientation of the site allows for good amounts of solar access to be maintained for No. 21 Keith Street, with the required 3 hours solar access to primary living areas and POS achieved.	Yes
C5 If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property.	Not applicable.	N/A
C6 Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following: (a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June. (b) If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight.	Not applicable, the adjoining properties do not contain solar hot water or PV systems.	N/A
C7 Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.	Complies.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
<p><u>2.11 Visual privacy</u></p> <p>C1 Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.</p>	<p>Primary living spaces are located at ground level. Proposed upper level side facing windows to habitable rooms are designed with frosted/opaque glass to create an effective sill height of 1.5m that allow for the district views to be captured, whilst maintaining reciprocal privacy with the neighbour at No. 17 Keith Street.</p>	<p>Yes</p>
<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>	<p>Compliant side setbacks are proposed, resulting in acceptable building separation.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p>
<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>	<p>As proposed, detailed above.</p>	<p>Yes</p>
<p><u>2.12 Acoustic privacy</u></p> <p>C1 Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.</p>	<p>Proposed bedrooms are not directly adjacent to major roads or neighbouring dwelling's living areas.</p>	<p>Yes</p>
<p>C2 Bedroom windows in new dwellings that would be located at or close to ground level are be raised above, or screened from, any shared pedestrian pathway.</p>	<p>As above.</p>	<p>Yes</p>
<p><u>FENCES AND ANCILLARY DEVELOPMENT</u></p> <p><u>2.13 Fences</u></p> <p>C1 Provide boundary definition by construction of an open fence or hedge to the front street boundary.</p>	<p>The existing site has a masonry fence to the street and there is a consistent theme of masonry fences with nil</p>	<p>On-merit</p>

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
	boundary street setbacks on neighbouring properties, and also properties on the opposite side of the street. The proposal has a front boundary fence that ranges in height from 0.7m to 1m with landscaping behind. Due to the cross slope of the site and street, the proposed pedestrian entrance gate has a maximum height of 0.8m, is to be open form construction and will offer good lines of sight to the street from the dwelling entrance point.	
C2 Front fences within the front boundary setback are to be no higher than 1.2m.	Max. height of 1m proposed.	Yes
C3 Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m.	Low height side fencing proposed within the site frontage. 1.8m high fencing will be maintained for the remaining side and rear boundaries.	Yes
C4 On corner sites where the facade of a building presents to two street frontages, fences are to be no higher than 1.2m.	Not applicable.	N/A
C5 Front fences shall not be taller than 1.2m.	<i>1m proposed.</i>	Yes
C6 Screens with a minimum of 50% transparency may be up to 1.8m high along the front boundary.	Not applicable.	N/A
C7 Landscaping should not include visually solid hedges that may conceal intruders.	Not applicable.	N/A
<u>2.14 Outbuildings and swimming pools</u>		
<u>Outbuildings</u>		
C1 Council allows a maximum of one outbuilding on a site.	1 outbuilding is proposed in the form of a pool cabana.	Yes
C2 The outbuilding must be established in conjunction with the principal dwelling on the same site and must ensure that:		
(a) it is separate from the principal dwelling and any secondary dwelling on the same site, and	The pool cabana is separate from the dwelling.	Yes
(b) it is not used as a separate dwelling, and	Complies.	Yes
(c) it does not contain cooking facilities, toilet and shower, and	A toilet and sitting area is proposed, as is appropriate for a pool cabana	On-merit

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDCP 2023		
Provision	Proposal	Complies
(d) it does not function or can be adapted to function for industrial purposes. C3 The maximum site cover of the outbuilding is:	structure. Complies.	Yes
(a) 36m ² where the site is less than 300m ² in area	-	-
(b) 45m ² where the site is 300m ² to 600m ² in area	-	-
(c) 60m ² where the site is greater than 600m ² in area.	Cabana footprint is approx. 30m ²	Yes
For the purposes of this clause, site cover means the site area covered by the outbuilding and any attached roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like.	Noted.	-
C4 The outbuilding must not result in the principal dwelling on the site having less than the required landscaped area and private open space.	The proposal is compliant as detailed previously in this compliance table.	Yes
C5 The storey limit for the outbuilding is single storey. An attic or basement is not permitted in the outbuilding.	Single storey proposed.	Yes
C6 The maximum building height for the outbuilding is 4.5m above ground level (existing).	Max. 2.75m proposed.	Yes
C7 The outbuilding must locate behind the front building line.	Backyard location.	Yes
C9 The minimum setback to a dwelling, building, roof, awning, balcony, deck, patio, pergola, terrace, verandah, carport, garage and the like on the same site is 1.8m.	1.8m separation distance proposed.	Yes
C10 The maximum roof pitch for the outbuilding is 25 degrees.	Flat roof proposed.	Yes
C11 Council does not allow the outbuilding to have roof-top balconies and the like.	None proposed.	Yes
C12 Development must retain and protect any significant trees on the site and adjoining sites. To achieve this clause, the development may require a design alteration or a reduction in the size	The existing canopy tree within the backyard is proposed for retention, which will be complemented by new landscaping as detailed on the submitted landscape plans.	Yes

TABLE 2: RESPONSE TO RELEVANT PROVISIONS OF CBDP 2023		
Provision	Proposal	Complies
of the outbuilding.		

In summary, the proposal is compliant with the core DCP provisions, with proposes variations being acceptable in the circumstances, as detailed above. Accordingly, the proposal is suitable for the site and its context.

4.2 Impacts on Natural & Built Environment (Section 4.15(1)(b))

Natural Environmental Impacts

The proposed dwelling has been designed to generally occupy parts of the site that accommodate the existing dwelling and hardstand areas.

As detailed in the submission prepared by the Landscape Architects, the existing canopy tree within the site's backyard is proposed for retention and the site does not otherwise contain any significant native trees.

The submitted Landscape Plan indicates terraced landscaping within the site frontage, line the dwelling entrance and adjacent driveway. Within the backyard, a comprehensive landscape scheme is proposed which will complement the contemporary buildings. The proposal includes a range of new canopy trees, hedges, feature plants and ground covers, as well as areas of useable turf.

The proposed landscape design will improve the natural attributes of the site and create a built form within a landscape setting, as desired within the R2 zone.

Accordingly, the proposal results in acceptable natural environmental impacts.

Built Environmental Impacts

The proposed development is designed to achieve full compliance with the core LEP and DCP provisions, with variations only proposed in response to the specific constraints of the site, and with no material adverse impacts on neighbour amenity. The proposal will provide improved occupant amenity and functionality, within a contextually appropriate manner.

As outlined below, the proposal will only have reasonable amenity relationship with the neighbouring properties, thus further demonstrating that the proposed development is entirely reasonable in the circumstances.

Solar access: The shadow impacts at mid-winter are detailed on the accompanying shadow and sun eye view diagrams. In terms of achieving appropriate solar access to neighbouring properties, the DCP requires that:

Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.

As outlined previously, given the north-east to south-west orientation of the site, shadowing will only be cast by the proposal onto No. 21 Keith Street. However, in excess of the required 3 hours will be achieved to No. 21, as demonstrated in the mid-winter sun eye view diagrams copied below (midday to 3pm).

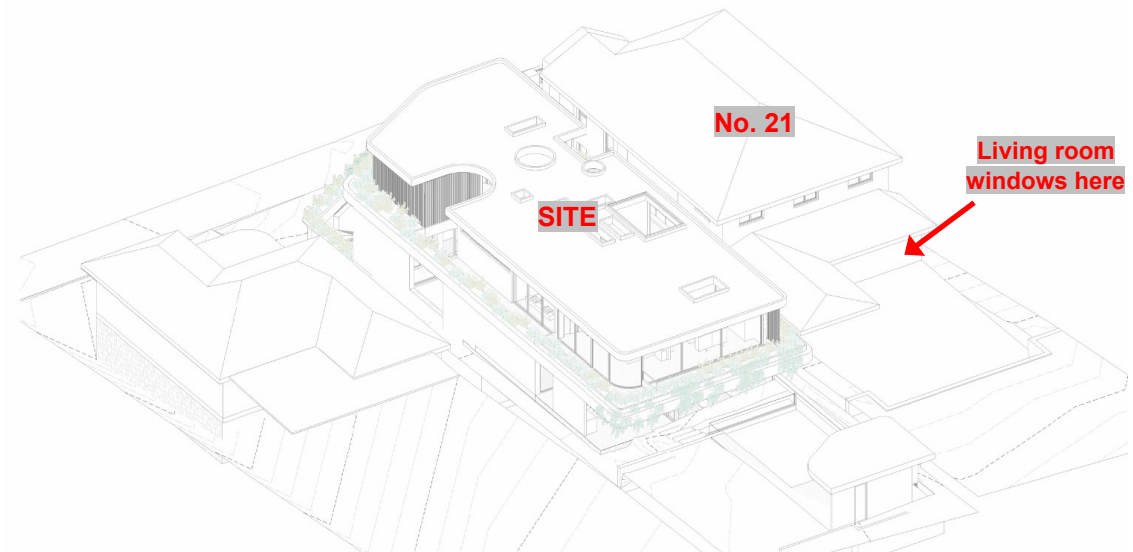


Figure 15: Midday sun eye view diagram

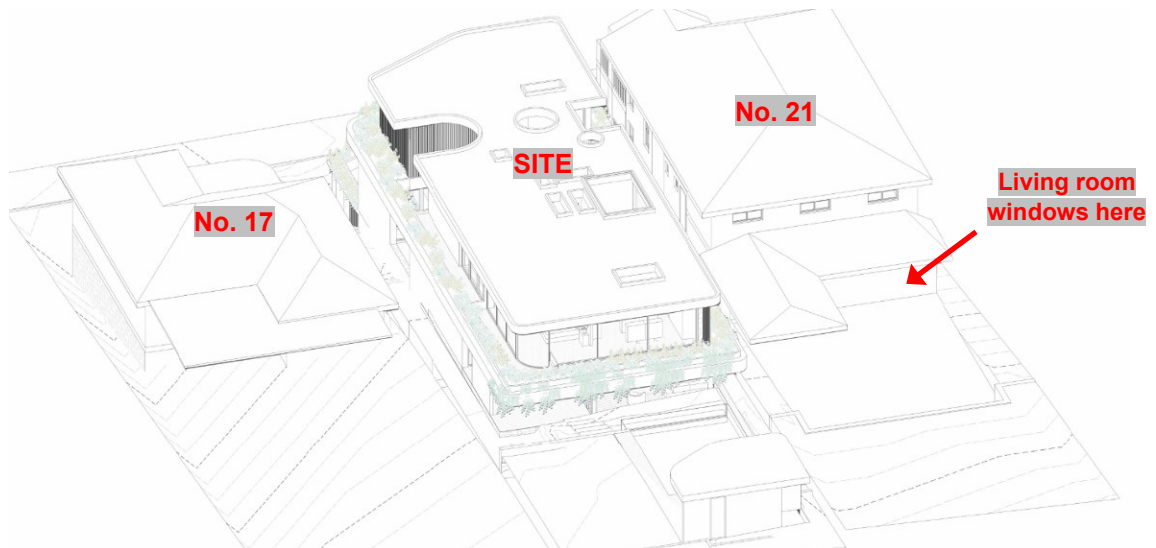


Figure 16: 1pm sun eye view diagram



Figure 17: 2pm sun eye view diagram

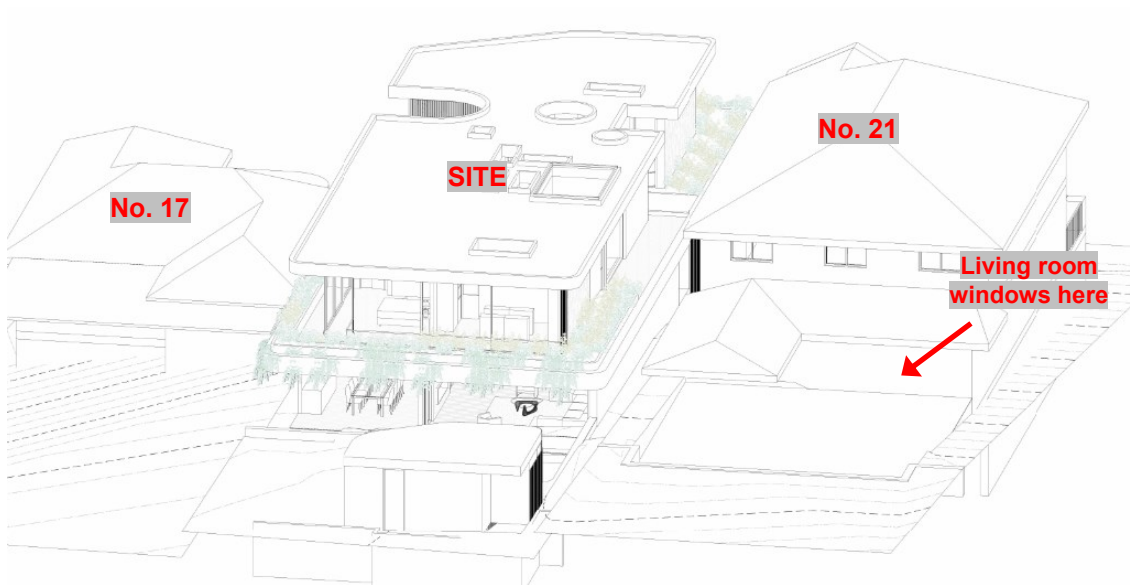


Figure 18: 3pm sun eye view diagram

The proposal is compliant with the solar access and overshadowing provisions of the DCP and is therefore acceptable.

Privacy: The proposal will provide living areas at ground level and bedrooms at the upper level with defensive side elevations on the south-western side and window openings on the north-western side that will enable the district views to be captured. The design approach is appropriate for new development where district views are available from elevated habitable areas, although effort needs to be made to protect neighbour privacy.

In this regard, the upper level side facing windows to habitable rooms are designed with frosted/opaque glass to create an effective sill height of 1.5m that allow for the district views to be captured, whilst maintaining reciprocal privacy with the neighbour at No. 17 Keith Street.

In terms of living areas and the site private open space, these spaces are to be located ground level and will be protected from the neighbouring properties by the existing/proposed boundary fencing and landscaping. The proposed cabana is located at the existing ground level with modest overall height. The cabana creates a suitable horizontal connection to the proposed swimming pool and rear dwelling alfresco area, which are benched into the site.

For these reasons, the proposal will maintain an appropriate degree of privacy and separation to the adjoining properties.

View Impacts: The subject site and adjoining properties enjoy distant district views in a north-easterly direction. The views are captured from a variety of habitable room windows and balconies, and will largely not be altered by the proposed development given its alignment between the 2 existing dwellings and stepped building form.

The outlook from the north-eastern side boundary of the site is shown in Figure 19 below.



Figure 19: District views available from the site

The dwelling at No. 21 Keith Street may obtain oblique views across and over the subject site in a north-easterly direction from upper level bedroom windows, however, these views will largely be retained and would only be impacted by a development form that is compliant with the LEP height limit, well setback from the street and in excess of the required side boundary setbacks. In addition, view impacts that may be created for views obtained by looking across the side common boundary with the subject site would be considered reasonable given that each dwelling has a primary front / back orientation and views across side boundaries are usually difficult to protect, particularly where the proposed building form is compliant, as is the case with the subject proposal.

For the above reasons, the proposal will reasonably share the existing views with the neighbouring properties.

Economic & Social Impacts

There will be neutral to positive social and economic impacts of the proposal.

4.3 The Suitability of the Site (Section 4.15(1)(C))

The site is within an established residential area and it does not contain any identified hazards that would suggest that the proposed development is unsuitable at the site. The proposed works will not compromise the natural environmental qualities of the area, but will make a positive urban design contribution. The site will therefore be suitable for the proposed development.

4.4 The Public Interest (Section 4.15(1)(e))

The proposed development is permissible with development consent, is consistent with zone objectives and complies with all relevant aspects of the LEP and DCP, except as justified in this report and relating to the site-specific reasons.

Accordingly, the proposed development is in the public interest and satisfies the requirements of 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

5 CONCLUSION

The proposal seeks to demolish the existing structures, remove trees and to enable the construction of a dwelling house, swimming pool and site landscaping.

The proposal is permissible with consent and is highly compliant with the relevant numerical controls of the LEP and DCP, and the impacts of the development on the natural and built environment are within expected limits.

The proposal will result in new dwelling accommodation that will offer high occupant amenity and functionality, is consistent with the local character and will not give rise to any unreasonable adverse impacts on the environment or amenity of the surrounding properties.

In the absence of any material impacts, the proposal serves the public interest and is assessed as appropriate with respect to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. It is accordingly requested that Council grant development consent to the development as proposed.

