



197 MCCARRS CREEK ROAD CHURCH POINT

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR ALTERATIONS AND ADDITIONS TO A DWELLING, INCLUDING SWIMMING POOL
AND SPA**



Report prepared for
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September 2022

CONTENTS

1. INTRODUCTION
2. THE SITE AND ITS LOCALITY
3. SITE PHOTOS
4. PROPOSED DEVELOPMENT
5. STATUTORY FRAMEWORK
6. NUMERICAL CONTROL TABLE
7. SECTION 4.15
8. CONCLUSIONS

1. Introduction

- 1.1** This is a statement of environmental effects for alterations and additions to an existing dwelling including construction of a swim spa and spa at 197 McCarrs Creek Road Church Point.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Pittwater Local Environmental Plan 2014, the Pittwater 21 Development Control Plan 2014 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit
 - Site survey prepared by DA Surveys
 - DA Plans prepared by Action Plans
 - BASIX Certificate prepared by Action Plans
 - Bushfire Report prepared by *Bushfire Consultancy Australia*
 - Geotechnical Report prepared by White Geotechnical
 - Arborist Report prepared by S& B Tree Services
- 1.4** The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the natural environment and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2. The site and its locality

- 2.1** The subject site is located at 197 McCarrs Creek Road, Church Point, approximately 2.3kms south west of its intersection with Pittwater Road. It is legally described as Lot 4 DP 830414.
- 2.2** It is a regular shaped lot with boundaries of 70.39 metres (east), 56.81 metres (north side boundary), 56.845 metres (south side boundary) and a western boundary of 70.39 metres. The site has an area of 4000m² and is accessed via a long right of carriageway over three other properties linking to McCarrs Creek Road.
- 2.3** The site falls steeply from west to east and is heavily vegetated beyond the curtilage of the dwelling. Close to the western boundary and access driveway, the site is currently occupied by a two storey dwelling with split level carport and entry.
- The dwelling has a metal roof, and terraced area to the north. The steep land surrounding the site has been terraced and/or retained, and a significant battered slope extends across the western boundary towards the existing paved terrace area, which has been retained and planted out.
- 2.4** The property is surrounded by large lot residential holdings which are highly vegetated. Neighbouring dwellings are visually separated from the site by the terrain and vegetation, as well as spatial separation due to the large allotments. It is located in relatively close proximity to shops and services on Pittwater Road. To the north and east, the site is bounded by unformed road reserve. To the west and south, adjoining land comprises large lot residential properties with single dwellings.



Figure 1. The site and its immediate surrounds

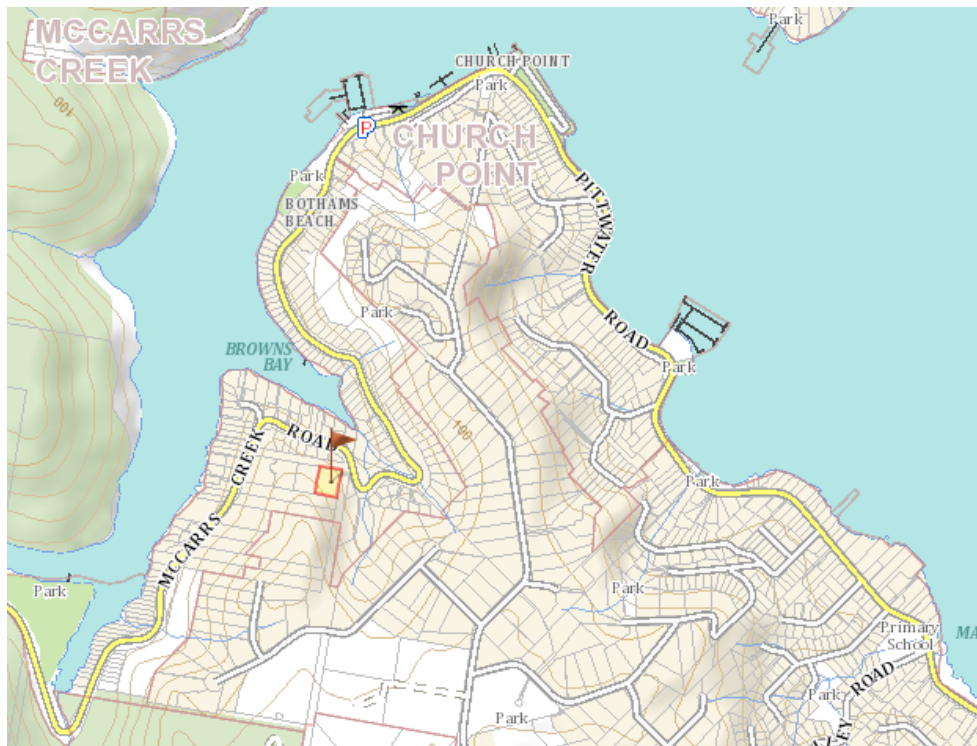


Figure 2. The site within the locality



Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4: The existing dwelling and carport, looking south across the site frontage.



Figure 5: Looking northwest towards access driveway and closest neighbour.



Figure 6: Looking north towards vegetated site and reserved land beyond.



Figure 7: The terraced area where the proposed pool, spa and cabana are located



Figure 8: Location of proposed swimming pool and spa as viewed from carport



Figure 9: Location of proposed new bedroom with existing carport above

4. Proposed Development

- 4.1** The proposed development is for alterations and additions to the existing dwelling, including a new swimming pool (swim spa) and spa on the subject site.
- 4.2** The alterations and additions have been designed to ensure that the functionality of the dwelling is improved, while minimising impacts on the natural environment. The proposed development maintains a scale consistent with the locality and has been designed to minimise impacts on the environment and surrounding properties.

- 4.3** The proposed alterations and additions will be made up as follows:

Lower Ground Floor

- Construct new laundry
- Construct new bedroom 5 accessed from mid level landing

Ground Floor

- New kitchen and new living room window to north elevation

Site

- Demolish existing terrace to north of dwelling
- Construct new deck area comprising partially in ground swim spa and spa
- Awning over eastern deck area
- Levelled garden area and timber sleeper retaining walls adjoining the eastern elevation

Statutory Framework

5.1 Rural Fires Act 1997

The *Rural Fires Act 1997* aims to protect the community from injury or death, property from damage and to protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage, arising from fires.

Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSA) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose. If a proposal requires a BFSA it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land unless the development application complies with *Planning for Bush Fire Protection 2019*. All developments on land that is designated as bush fire prone has a legal obligation to consider bush fire and meet the requirements of *Planning for Bush Fire Protection 2019*.

Comment: The subject site is mapped as bushfire prone land, partly in the Vegetation Category 1 land and partly in the Vegetation Buffer. The proposal is not for subdivision or a special fire protection purpose and therefore is not integrated development and does not require a BFSA from RFS. The site is however bush fire prone land, and therefore the proposal must comply with *Planning for Bush Fire Protection 2019*.

A Bushfire Assessment Report, prepared by *Bushfire Consultancy Australia* is provided with this application, which concludes the property has a minimum construction standard of BAL – FZ. Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection Bushfire Attack Level BAL -FZ.

5.2 State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is mapped as being within the 'Proximity Area for Littoral Rainforest' by State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 2 Coastal Management. Accordingly, the consent authority must consider clause 2.8 of the SEPP.



Figure 10: Map Extract – SEPP (Resilience and Hazards) 2021

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

- (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—
 - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
 - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The proposed development is located on a disturbed portion of the site. Some trees have been removed under the 10/50 Planning for Bushfire legislation. The

existing remaining vegetation on the site will be largely retained. One tree is proposed for removal as it sits within the footprint of the proposed pool deck area. Two other trees are recommended for removal as they are either dead or unworthy of retention.

The development will not have a significant impact upon the biophysical, hydrological or and ecological environments. The quantity and quality of surface and ground water flows is not anticipated to change significantly with the proposed development and therefore is unlikely to significantly impact upon flows to the nearby littoral rainforest.

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in Non-Rural Areas aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation.

Some tree removal has occurred previously on the site in accordance with the Planning for Bushfire Protection 2019 legislation, 10/50 rule. The development proposed requires three trees to be removed. Two of these are either dead or unworthy of retention. A third tree is proposed for removal as it sits within the development footprint. The development remains consistent with the provisions of the SEPP as existing vegetation on the site will be largely retained.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

5.2 Pittwater Local Environmental Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

Zoning

The site is zoned R5 Large Lot Residential pursuant to the provisions of the Pittwater Local Environmental Plan 2014. The proposed development is a permissible use in the R5 zone which permits dwelling houses with development consent.

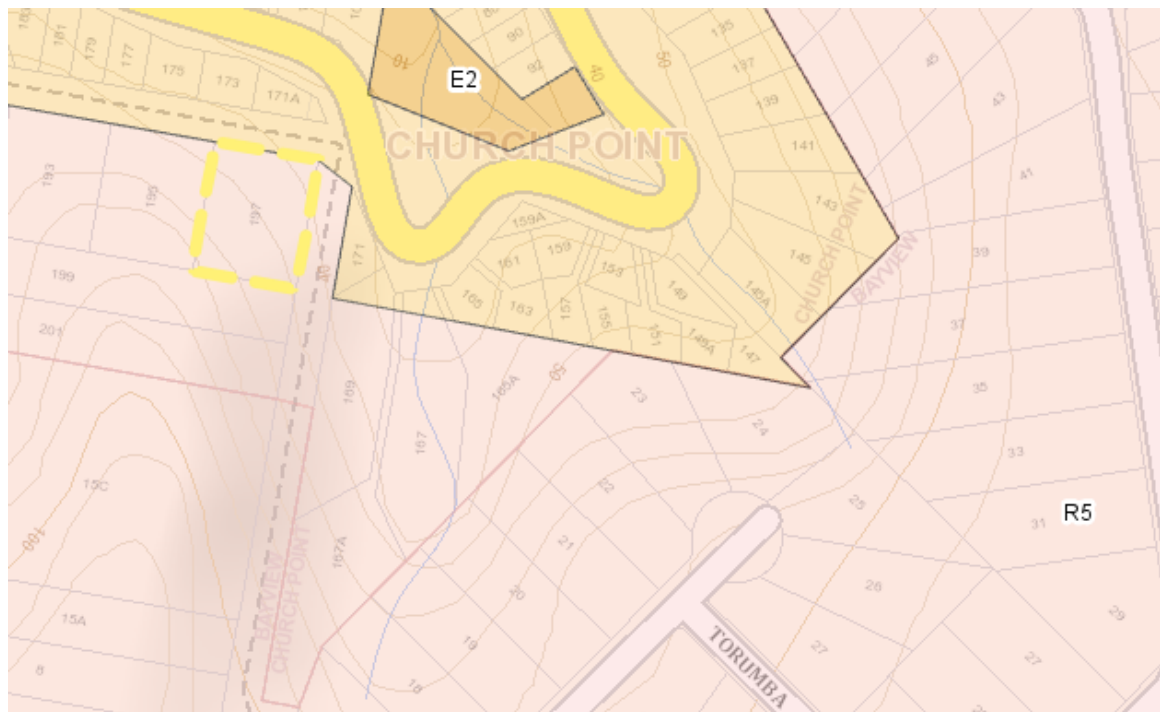


Figure 11: Extract from Pittwater LEP 2014 Zoning Map

Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Minimum Lot Size

The site is mapped with a minimum lot size of 4000m². The subject site comprises of a compliant area of 4000 m² and no subdivision is proposed.

Height of Buildings

The subject site is mapped with a maximum building height of 8.5 metres.

No change is proposed to the existing maximum dwelling height of 8.5 metres. All works proposed are below the existing height of the dwelling.

Floor Space Ratio

The floor space ratio development standard has not been adopted for the subject site.

Heritage Conservation

The site is not a heritage item, is not located in close proximity to a heritage item and is not located within a heritage conservation area.

Acid Sulfate Soils

The site is nominated as Class 5 Acid Sulfate soils. The proposed works are minor and are not likely to lower the watertable more than 1 metre below the natural ground surface.

Earthworks

Earthworks are proposed to prepare the site for construction of the swim spa and spa.

Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Biodiversity

The site is identified on the biodiversity maps. Accordingly, the following must be considered with regard to the site:

(a) *whether the development is likely to have:*

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

The proposed development will have a minimal and appropriate impact on the existing environment, as it will be located predominantly within the footprint of

the existing dwelling and on the disturbed portion of the site where the existing terrace area is located. An arborist report is provided addressing the protection of trees to be retained within proximity of the works, which supports the development in its current form.

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

As described above, most existing trees and habitat on the site will be retained.

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

Biodiversity will be unaffected by the proposed development as it is predominantly limited to the areas of the site that are already disturbed. There will be no impact on the surrounding habitat provided by the Ku-Ring-Gai Chase National Park.

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

No adverse impact on habitat connectivity will result from the minor development proposed.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

With no adverse impact resulting from the proposal, there is no requirement for any mitigation measures. The development is appropriate as proposed.

Council must also consider and be satisfied of the following:

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

The design of the minor proposal is appropriate for the already disturbed site. It will not be to the detriment of the environmental qualities of the location.

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

There are no detrimental impacts as a result of the proposed development.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

There are no detrimental impacts.

Geotechnical Hazard

The site is located within the geotechnical hazard zone H1. Accordingly, clause 7.7 of Councils LEP must be considered with regard to the site:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) waste water management, stormwater and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
- (b) the consent authority is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
 - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
 - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

A geotechnical report demonstrating compliance with this clause accompanies the application.

Essential services

All essential services are existing on the site.

5.3 Pittwater 21 Development Control Plan

The relevant sections of the DCP are addressed below.

Section A Shaping Development in Pittwater

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposed development is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

A4 Localities

Bayview Heights Locality

The site is located within the Bayview Heights Locality.

The desired character statement is:

The Bayview Heights locality will remain a low-density rural residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Dual occupancy (attached) may be located throughout the locality on rural residential land. Recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Currently, few of these services exist, and development for anything other than a dwelling house will need to ensure that these services can be provided to the site. Care will need to be taken with future developments to ensure that outbuildings and ancillary recreational structures do not dominate the natural landscape and bushland setting.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Such development will need to consider its impact upon the slope of the land both from a hazard point of view (landslip & bushfires) and visually, especially when viewed from outside the locality such as the Pittwater waterway and Mona Vale valley.

Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandas and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors. Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will need to be provided and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

The proposed development has been designed taking into consideration the desired character of the location. The appropriate scale of the proposal is well designed to ensure retention of the character sought by Council, whilst being mindful of the landform and landscape.

Section B General Controls

Heritage Conservation

The site is not located in a heritage conservation area or immediately adjacent any heritage items.

Aboriginal heritage Significance

The site is not known or anticipated to be home to any aboriginal relics. Should any objects be discovered during construction, appropriate measures will be taken according to NSW Office of Environment and Heritage.

Hazard Controls

Landslip Hazard

The subject site is located in a H1 geotechnical hazard zone. A geotechnical report demonstrating compliance with the Geotechnical Risk Management Policy for Pittwater accompanies the application.

Bushfire Hazard

The subject site is mapped as bushfire prone land in Vegetation Category 1 land and Vegetation buffer. A Bushfire Assessment Report, prepared by *Bushfire Consultancy Australia* is provided with this application, which concludes the property has a BAL - FZ.

Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection Bushfire Attack Level BAL - FZ.

Contaminated and potentially contaminated lands

The site is not known to be contaminated and to our best knowledge has only ever been developed for low density residential uses.

Flood prone land

The site is not located within a flood prone zone.

Controls relating to the natural environment

The proposed development will have a minimal and appropriate impact on the natural environment, as it will be located predominantly within the footprint of the existing dwelling and on the disturbed portion of the site. Trees and vegetation on the site will largely be retained. An arborist report is provided, which supports the development in its current form.

Water management

The site is connected to the reticulated sewer system.

The architectural plans demonstrate that the proposed development will not increase the impervious area of the site by more than 50m² and therefore does not trigger the requirements for OSD.

Stormwater from the site will be managed in accordance with Councils controls, with water directed to existing drainage infrastructure on the site.

Access and parking

The development proposes to retain the existing driveway and carport accessed from the right of carriageway connecting to McCarrs Creek Road.

Site works and management

All site works will be undertaken as required by Council controls and compliant with any relevant conditions of consent. Appropriate devices will be used during the construction process to ensure no issues arise with regard to erosion and sedimentation.

Section C Development Type Controls

Design Criteria or Residential Development

Landscaping

The development provides for the retention and protection of existing significant trees, especially near property boundaries, and retention of natural features. Significant portions of the site are retained in their highly vegetated state and outcomes of this DCP provision are considered to be easily met by the end result of this proposal.

Safety and Security

An ability to view the right of carriageway and driveway area is retained allowing for casual surveillance which is to the benefit of the safety and security.

View Sharing

The subject site and surrounding properties enjoy bushland views to the north, south and west.

A site visit has been undertaken and it is concluded that the proposed development will not result in any view loss impacts due to the sloping nature of the site and the minimal nature of the works proposed.

Solar Access

The DCP requires 3 hours of solar access is maintained for the windows of principal living areas, solar collectors and private open space of the site and adjoining properties on 21 June.

Given the 4000sqm lot size, significant spatial separation of the proposed works from neighbouring properties and the slope of the land, it is concluded that the subject site and adjoining properties maintain existing compliant solar access.

Visual Privacy

Privacy will be retained for neighbours existing generous spatial separation and vegetation between neighbours.

Acoustic Privacy

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

Private Open Space

The minimum private open space requirement of 80sqm is easily accommodated in the rear yard and deck areas as required by the DCP.

Waste and Recycling Facilities

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible. This is detailed further in the accompanying Waste Management Plan.

The existing dwelling has appropriate waste storage areas which will be retained with the alterations and additions proposed.

Part D – Bayview Heights Locality

The site is located in the Bayview Heights locality and will be appropriate within the desired character, built form, and natural environment criteria as specified in the DCP. The alterations and additions proposed will be appropriate within the natural, bushland setting.

Character and scenic protection

The proposed development is an appropriate architectural design for the locality. The materials and colours complement the bushland context and present a pleasing contemporary design when viewed from adjoining land. As the adjoining road reserves are unformed the site is not visible from the public domain, and generous setbacks to the reserve area mean that the proposed works are unlikely to be viewed by any future public use of the land. The works will maintain the contemporary design and remain secondary in the landscape.

Building colours, materials and construction

The proposed materials will be complimentary to the existing dwelling, including metal roofing to the new awning and stone for the retaining walls. A full schedule of materials and colours are provided with the DA plan set.

Front Building Line

The DCP requires a front setback of 20 metres to McCarrs Creek Road.

As the site is a battleaxe allotment accessed from a right of carriageway over neighbouring land, the site does not have a boundary fronting a public road, and therefore the front setback requirements do not apply.

Side and Rear setbacks

Side setbacks of 6.5 metres are required by the DCP. The site is considered to have three side boundaries, being west, north and south.

The development proposes compliant side setbacks of 12 metres to the north and 20m to the south. A non-compliant setback of 1m is provided to the western boundary, however the steep gradient of the land at this point means that the minimal setback has no impact on neighbouring land.

A rear setback control of 20m applies to the site. The proposed works are setback well in excess of this at 40m.

Building envelope

A building envelope of 45° measured at a height of 3.5 metres applies to the site.

The existing dwelling breaches the side boundary envelope control, however new works are located within the permitted envelope.

Landscaped Area – Environmentally Sensitive Land

A landscaped area of 80% is required by the DCP in the R5 zone, which equates to 3200m² for the site area of 4000m². The development proposes a compliant landscaped area of 91.67% or 3667.18m².

Construction, retaining walls, terracing and undercroft areas

The proposed works infill a section of undercroft, which assists with meeting the outcomes of this control. The proposed garden area to the east of the dwelling will not be visible from neighbouring dwellings.

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Pittwater LEP 2014 and the Pittwater 21 DCP 2014.

	Standard	Proposed	Compliance
Pittwater LEP 2014			
Zone	R5 Large Lot Residential		
Lot Size	4000m ²	4000m ²	Yes – no change
Building Height	8.5 metres	8.5m	Yes
Floor Space Ratio	Not identified	-	-
Pittwater DCP 2014			
Building Envelope	3.5 metres / 45 degrees	3.5 metres / 45 degrees	Yes
Front setback	20m	No front boundary as access is via right of carriageway over Lot 3 DP 830414	Yes and no change to existing-
Side Boundary Setbacks	6.5m	1m to western side; 12.7m to northern side 20m to southern side	No Yes Yes
Rear Boundary Setbacks	20 m	40m	Yes
Parking	2 spaces	2 spaces	Yes – no change to existing
Landscaped Open Space and Bushland Setting	80% of lot area (3200m ²)	91.67% (3667.18m ²)	Yes
Private Open Space	80m ²	342.07m ²	Yes
Solar Access	3 hours sunlight to 50% (40sqm) of POS of both subject site and adjoining properties between 9am and 3pm on June 21.	No change to existing	Yes

7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater LEP and DCP.

The development is permissible in the zone.

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

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no significant impact, with the majority of works proposed on the already disturbed portion of the lot.

Waste

There will be no impact.

Natural hazards

The natural hazard of bushfire hazard, acid sulfate soils and landslip hazard can be effectively mitigated.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposed development fits well within the context of the surrounds and is an appropriate scale.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures, compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed alterations and additions.

7.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8. Conclusions

- 8.1** The proposed development for the alterations and additions to an existing dwelling, including swim spa and spa at 197 McCarrs Creek Road Church Point, is appropriate considering all State and Council controls.
- 8.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3** Considering all the issues, the development is considered worthy of Council's consent.