

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed New
Swimming Pool and
landscaping

31 Calvert Parade
Newport

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Statement of Environmental Effects

Proposed New Swimming Pool and Landscaping

31 Calvert Parade, Newport

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1 Introduction

This statement has been prepared for Mr and Mrs Nicomede as part of the supporting documentation for a Development Application proposing new swimming pool, landscaping works and new hardstand car parking area.

The proposed works provide for an enhanced private open space areas which will improve the amenity of the dwelling in the form of a new swimming pool and enhanced landscaping works. A new hardstand car parking area will meet the demands of the large family while limiting its visual impact from the street with landscaping treatments.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Survey Plan;
- Architectural drawings including, site plan; elevations and sections
- Geotechnical Report prepared by Crozier;
- Basix Certificate;
- Stormwater Management Plan
- Landscape Plan by Vision Dynamics

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the Newport locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.

- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot A DP 340122, 31 Calvert Parade, Newport. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

Number 31 Calvert Parade is a generally rectangular shaped allotment comprising a total site area of 1751m², with a primary frontage of 22.9m to Calvert Parade, southern side boundary of 80.745m, northern side boundary of 73.03m and rear boundary 24.63m. The site is currently

occupied by a 2 storey brick dwelling with a detached brick garage area adjacent to the front boundary. The dwelling is situated in an informal landscape setting.

The topography of the site slopes up from Calvert Parade before coming to the cliff which drops down to Newport Beach.

2.1.2 The Locality

The subject site is located within the Newport Locality. The locality is characterised by low density residential development with dwellings built along the valley floor, slopes and ridges. Newer developments along the Pittwater foreshore along Calvert Parade and further along Riverview Road are characterised by multi-level dwellings that step down the steep slope. The residential areas are of a diverse style and architecture, a common thread being landscaped, treed frontages and subdued external finishes.

2.1.3 Zoning and Key Environmental Considerations

The site is zoned E4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5;
- Landslip/Coastline Hazard Map;
- Geotechnical Hazard Map;
- Site is located within Area 1 of the Landscape Area Map

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposed a new swimming pool at the rear of the site, landscaping with new retaining walls and a hardstand carparking area.

A landscape plan, stormwater management plan and geotechnical report accompany this application.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the E4 zone. The specific objectives of the zone are identified as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not adversely affect those values;*
- *To provide for residential development of a low density and scale integrated with the landform and landscape;*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The application relates to the construction of a swimming pool, landscaping works and a new hardstand car space. The proposal will maintain and enhance the landscaped setting of the site and will be the dominate feature in a low density setting. The increase in vegetation in the form of trees and shrubs in this foreshore area will improve the quality of the local environment.

The proposal relates to works in association with a dwelling house which is permissible with consent in the local area.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The objectives of the clause are as follows:

- *(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

- *(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- *(c) to minimise any overshadowing of neighbouring properties,*
- *(d) to allow for the reasonable sharing of views,*
- *(e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- *(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

No changes proposed to the dwelling.

4.1.3 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP, the site is classed as being within class 1 and class 5 on the acid sulfate soils map. A geotechnical report prepared by Crozier Consultants accompanies the DA. The report provides recommendations to be followed during construction to reduce the impact of the excavation on the local environment with respect to drainage and runoff.

4.1.4 Geotechnical Hazards (Clause 7.7)

The site is located within a Geotechnical Hazard Area as mapped within the Pittwater LEP. A geotechnical report by Crozier accompany this application.

The report concludes that the risk associated with the proposed works can be maintained within an 'acceptable' level provided that the recommendations of the geotechnical report are implemented.

4.1.5 Limited Development on the Foreshore Area

Pursuant to clause 7.8 of the LEP the requirements are as follows:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

The swimming pool is located within the foreshore building line, which is permissible development, as indicted above.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Newport Locality

The property is located within the Newport Locality. The desired future character of the Newport Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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. Any dual occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and 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.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. 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, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

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 be maintained 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.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

The architects have responded to the client brief to provide for recreational space in the form of swimming pool in an enhanced landscaped setting. The works are compatible with the character and scale of development within the locality and immediate context.

The design, scale and landscaping treatments of the proposed development is compatible with dwellings within the immediate setting. The coastal setting will be maintained and enhanced with the proposed landscaping works and provide the future occupants with private open space of high amenity.

4.2.2 Stormwater Management – On-Site Stormwater Detention

The application is accompanied by stormwater drainage plans prepared by HAMEC Engineers and accompany this application.

4.2.3 Access and Parking

Pursuant to Clause B6.3, a proposed new driveway access to a new hardstand located at the front of the dwelling. The outcomes of the control are as follows:

- *An adequate number of parking and service spaces that meets the demands generated by the development.*
- *Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*
- *Safe and convenient parking.*

The proposed hardstand area will accommodate the needs of the occupants large family. The existing garage and carport are inadequate and this proposal will provide for a safer and convenient hard stand off-street parking circumstance. The hardstand area will be appropriately screened from the street via landscaping treatments. It will not be readily discernible from the street.

Stormwater management plans have been provided in relation to the hardstand area. The material used will be permeable with stormwater management measures in place to minimise

rainwater runoff. Proposed landscaping treatments will provide additional screening of the hardstand area when viewed from the street.

4.2.4 Landscaping

Pursuant to Clause C1.1 the proposal includes an enhancement to the landscaping on the site. The outcomes of the control area as follows:

A built form softened and complemented by landscaping.

Landscaping reflects the scale and form of development.

Retention of canopy trees by encouraging the use of pier and beam footings.

Development results in retention of existing native vegetation.

Landscaping results in the long-term retention of Pittwater's locally native tree canopy.

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species

Landscaping enhances habitat and amenity value.

Landscaping results in reduced risk of landslide.

Landscaping results in low watering requirement.

The proposal provides an enhancement of the landscaped setting by providing a mixture of trees, shrubs and new lawn. Retaining walls are proposed around the hardstand area to mitigate any risk to landslide. The landslide risk is considered to be acceptable as stipulated in the geotechnical report provided.

The proposed landscape plan is consistent within the streetscape with terraced gardens common due to the topography of the area. The extensive plant schedule with a mixture of trees, shrubs and lawn will enhance the amenity and provide increased opportunities for habitat in this coastal setting.

The enhancement of the landscaping provides additional screening of the dwelling and proposed hardstand area. It reflects the form and scale of the development and is consistent within the streetscape.

4.2.5 Swimming Pool Safety

Pursuant to clause C1.17 the proposed pool will be made to comply with the Swimming Pools Act 1992 and regulations in regard to safety.

4.2.6 Landscaped Area – Environmentally Sensitive Land

The site is mapped as Area 1 on the landscape area map. Clause D1.14 requires that 60% of the total site area be landscaped area. The proposal provides for a total landscaped area of 1065m² (60.4%) which is in the form of soft landscaping and as such is compliant with the control.

The proposal is compliant with the control as well as the outcomes of Clause D1.14 for the for the following reasons:

- The proposal enhances the existing landscape qualities by increasing the vegetation on the site though planting various trees and shrubs as stipulated on the plant schedule provided with the landscape plan.
- The proposal achieves the desired future character of the locality my enhancing the landscaped quality of the site to be the dominant feature which is more desirable in the E4 environmental living zone. The use of retaining walls of the front garden area is consistent with neighbouring properties, and generally along Calvert Parade, and is considered to be consistent with the desired future character of the locality.
- The landscaping treatments will provide additional screening of the hardstand area and existing dwelling assisting with maintaining the character of the street and the environmental quality of the area. Trees are proposed adjacent to the driveway and in front of the hardstand area to provided additional screening and to ensure that the landscaping is most dominant when viewed from the street.

A detailed landscape plan prepared by Vision Dynamics is provided with the application documentation.

4.2.7 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
Newport Locality Specific Development Controls			
Front Building Line D10.7	Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.	Existing setbacks are to be maintained.	Yes
Side and Rear Building Line D12.6	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.	The proposal maintains the existing side setbacks to the dwelling and garage. The retaining wall adjacent to the southern boundary is in excess of 1m.	Yes
	6.5 metre rear building line.	Maintained rear setback to the dwelling.	Yes

Control	Requirement	Proposed	Compliance
	For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping	The side setback to the pool is calculated at approximately 2.3m to the water's edge and 1.2m to the pool concourse, which is compliant with the controls.	Yes
Landscaped Area Environmentally Sensitive Land D12.10	Total Landscaped Area is 60% of the total site area.	60.4%.	Yes

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.4 State Environmental Planning Policy (Coastal Management 2018)

The site is identified on the SEPP Coastal Management map as being within the Coastal Environmental Area Map and Coastal Use Area Map, as shown below:

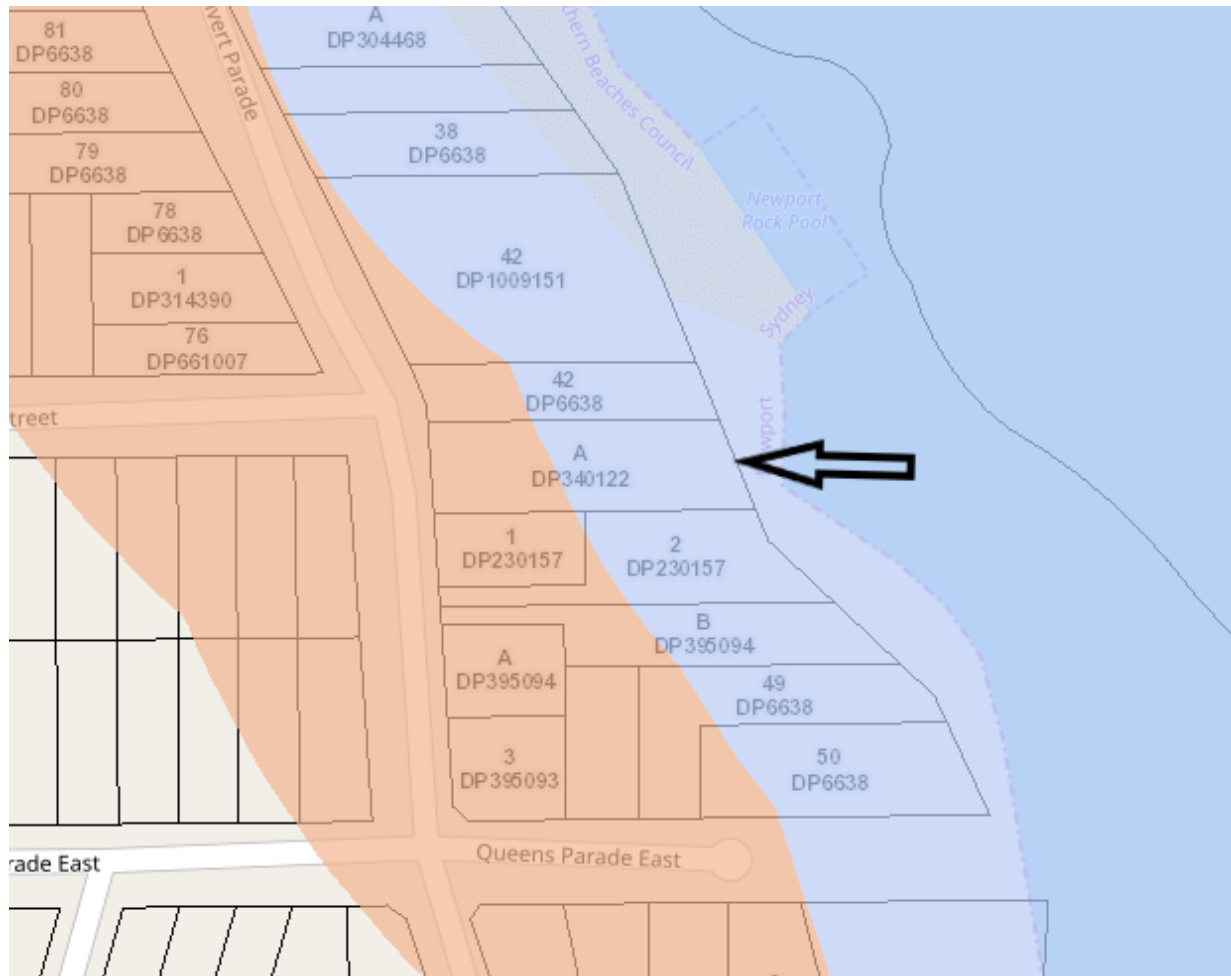


Figure 2: SEPP Coastal Management Map

Clause 13 (1) of the SEPP, coastal environmental area, states the following:

(1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) *coastal environmental values and natural coastal processes,*
- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

The site is situated on the developed southern headland of Newport Beach. The proposed development will have no impact on the natural coastal processes and environment, marine flora and fauna, public access to the beach and is not within the surf zone.

Clause 14 (1) of the SEPP, Coastal Use Area, states the following:

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The site is situated on the headland well above the beach. The existing dwelling is to be maintained with proposed inground pool not resulting in any adverse amenity impacts in terms of visual impact or scenic quality. The proposal will have no impact on the coastal environment and its processes.

Clause 15 of the SEPP states:

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The consent authority can be satisfied that proposed works will not risk coastal hazards on the site or in the local area. This application is accompanied by a geotechnical report which states the risk associated with the development is acceptable.

4.5 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

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 (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

N/A

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

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

N/A

Context and Setting

i. 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*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. 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*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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*

New driveway access and parking arrangements are proposed. The proposal will result in an improved driveway arrangement to ensure the safe access and egress of cars from the site.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by a landscape plan.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is identified falling within a geotechnical hazard area. These matters have been addressed in this report and the accompanying geotechnical report.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations 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*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) 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 as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

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

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development 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*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed swimming pool, landscaping and hardstand area are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal, given the constraints imposed by the sites typography and environmental characteristics.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling and associated works are compatible with the desired future character of the locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.