

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

## **APPLICATION FOR SWIMMING POOL AND ASSOCIATED LANDSCAPING – LOT 8 (HOUSE 11)**

### **DA 482/04 (AS APPROVED) CONSTRUCTION OF 38 DWELLINGS AND SUBDIVISION AT SPRING COVE, ST PATRICK'S ESTATE MANLY - PRECINCTS 5, 6 AND 10 WITHIN ST PATRICKS ESTATE MANLY**

**UNDER THE  
*ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*  
(AS AMENDED) AND *REGULATIONS 2000***

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**PROPERTY:**                      **106 DARLEY ROAD,  
MANLY  
LOT 2, DP544297**

**APPLICANT:**                      **TOMASY PTY LTD**

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## 1. INTRODUCTION

This Statement of Environmental Effects has been prepared as supporting documentation to a Development Application for a swimming pool and associated landscaping - Lot 8 (House 11).

This report has been prepared following instructions from Oakstand Property Group on behalf of Spring Cove Development Pty Ltd.

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

- The *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- The *Environmental Planning and Assessment Regulation*;
- *Manly Local Environmental Plan 2013* (MLEP 2013);
- *Manly Development Control Plan 2011* (MDCP 2013);
- *Development Consent DA 482/04 - Notice of Determination 24 January 2007*;
- *Section 96 (1) - DA 482/04 - Notice of Determination 12 May 2008*;
- *Section 96 (2) - DA 482/04 - Notice of Determination 2 June 2010*;
- *Section 96 (4) - DA 482/04 - Notice of Determination 28 February 2012*;
- *Section 96 (5) - DA-482/04 - Notice of Determination 17 October 2012*;
- *Section 96 (6) - DA-482/04 - Notice of Determination 1 May 2013*;
- *Section 96 (7) - DA-482/04 - Notice of Determination 16 January 2013*;
- Gross Floor Area Plans prepared by McGregor Coxall, drawings 01 to 06 Rev B;
- Landscape Plan - Lot 8 prepared by Site Design + Studios, drawing LP01 Rev B, dated 31 July 2013;
- Lot 8 - Pool Drawings prepared by Site Design + Studios, drawing LP02 Rev A, dated 27 July 2013;
- Heritage Impact Statement - Letter prepared by TKD Architects, dated 7 November 2013;
- Geotechnical Assessment - Proposed Pool on Lot 8, prepared by Douglas Partners, dated 11 November 2013

The development is permissible under Manly LEP 2013. The proposal is consistent with the objectives of the area and the Master Plan for this precinct. It is considered that the application succeeds on merit and is appropriate for the granting of consent, as submitted.

## **2. BACKGROUND INFORMATION**

**24 January 2007:** Council issued a Notice of Determination/Approval for DA 482/04 for 106 Darley Road, Manly for the following purposes:

Subdivision of Lot 2 DP 544297 being precincts 4, 5, 6, 10 and 11 into 21 allotments being 17 residential lots for individual dwellings, one lot for five townhouses, one lot for 16 apartments, one lot containing road and landscape areas and two lots comprising precincts 4 and 11 of the St Patrick's Estate and construction of 11 residential apartments, five townhouses and 17 detached dwelling houses at precincts 5, 6 and 10 St Patrick's Estate.

**12 May 2008:** Council approved Section 96 (1) modifications for DA 482/04 for 106 Darley Road, Manly for the following purposes:

Notice of Determination stated:  
'Condition 164 is to be deleted'

Delegated Authority Report:  
Section 96 modification asked that 'condition 248 to be deleted as it is a duplicate of condition 164'

Report comments:  
It is considered that condition 164 should be deleted as it is less detailed than condition 248

**2 June 2008:** Council approved Section 96 (2) modifications for DA 482/04 for 106 Darley Road, Manly for the following purposes:

No proposed amendments for condition 248 in Section 96 (2) modification, therefore condition 248 has not been amended since date of determination.

**9 November 2007:** Application for Modification number 2 lodged. Description: Section 96 to modify approved St Patricks Estate - new RFB (16 units) and 22 dwellings and the sub-division entry via Osbourne Road.

**25 May 2010:** Modification number 2 approved subject to conditions.

**18 November 2011:** Section 96 1(A) Modification lodged relating to Condition 248 of Development Consent 482/04.

**28 February 2012:** Application for Modification 4 pertaining to Condition 248 was approved. This Condition pertaining to the storm water drainage plan was to be prepared in accordance with Council's specification for Stormwater Drainage 2003.

**21 June 2012:** S96 (5) was submitted for Council's consideration. This application relates to the five town house developments and was approved by Council on 17 October 2012.

**30 August 2012:** S96 (6) was submitted for Councils consideration. This application relates to the apartment development and was approved by Council on 1 May 2013.

**19 September 2012:** S96 (7) was submitted for Councils consideration. This application relates to house 9 (Lot 6) and was approved by Council on 16 January 2013.

### 3. SITE PROFILE

The subject site comprises Lot 2 DP 544297 which includes Precincts 5 and 6 of St Patrick's Estate Manly (the site also includes precinct 10 for residential development and precincts 4 and 11, which are not part of the residential developments). The total area for the site is approximately 27,150sqm. Precinct 5 has approximately 11,920sqm, Precinct 6 has approximately 2,960sqm and Precinct 10 has approximately 12,270sqm.

The immediate locality is characterised by a medium density residential area known as 'Eastern Hill', which includes a high rise apartment building and medium density detached housing. The site is also located next to St Paul's College and the Archbishop's residence located within Precincts 4 and 11 of St Patricks Estate Manly.

#### LOCALITY PLAN



Source: Six Viewer 2011





Source: NSW Land & Property Information 2013

## **4. THE PROPOSAL**

### **4.1 General Description**

The subject application is for a swimming pool (in-ground) and associated landscaping at Lot 8 (House 11). The proposal is for a small pool located on the lower ground level (off the terrace) enclosed by a glass pool fence and associated landscaping including lawn, paving and shrubs.

#### **Proposed Pool:**

|                       |           |
|-----------------------|-----------|
| Length:               | 6m        |
| Width (Southern End): | 1.581m    |
| Width (Northern End): | 3.755m    |
| Depth:                | 1.2m-1.6m |

#### **Site Calculations:**

Site Area (Lot 8): 474sqm

#### **Proposed**

|               |         |
|---------------|---------|
| Pool Water:   | 16sqm   |
| Pool Copping: | 8.7sqm  |
| Total:        | 24.7sqm |

Soft Landscaping: 151.468sqm (31.9%)

#### **General:**

- Pool equipment to be located within the services void (located on the lower ground floor)
- Pool fence to relevant standards

Refer to the following architectural plans prepared by Site Design + Studios for full details:

- Landscape Plan - Lot 8 prepared by Site Design + Studios, drawing LP01 Rev B, dated 31 July 2013;
- Lot 8 - Pool Drawings prepared by Site Design + Studios, drawing LP02 Rev A, dated 27 July 2013;

The proposal swimming pool has been designed to Australian Standards and pool drainage will discharge into the sewer in accordance with relevant regulations.

It is submitted that the proposed swimming pool is in keeping with the precinct and what could be expected of a residential development. The proposed pool is ancillary to the use of the dwelling house and the size of the pool is more of a plunge pool which will not have an adverse impact on neighbouring properties in terms of privacy and amenity. The proposed swimming pool will also not impact the heritage significance of the estate or the foreshore scenic qualities of the estate.



## **5. STATUTORY PLANNING CONTROLS**

### **5.1 Manly Local Environmental Plan 2013 (MLEP2013)**

The subject site is identified within the MLEP 2013. The subject site is located within zone E4 Environmental Living, as outlined below:

#### **Zone E4 Environmental Living**

##### **1 Objectives of zone**

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore.*
- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*
- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

##### **2 Permitted without consent**

*Home-based child care; Home occupations*

##### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Dual occupancies (attached); Dwelling houses; Environmental protection works; Flood mitigation works; Health consulting rooms; Home businesses; Multi dwelling housing; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Water supply systems*

##### **4 Prohibited**

*Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

Source: Manly LEP 2013

**Comment:** It is submitted that under Manly LEP 2013 a swimming pool is considered ancillary to the principle use of a dwelling house Lot 8 (as approved DA248/2004) and is permissible with the consent of Council, being a development that is not prohibited. It is also submitted that the proposal is consistent with the principal objectives for the environmental living zone. It is important to note that the proposed swimming pool is ancillary to the approved development DA248/2004, in particular the dwelling house approved on Lot 8 (House 11) in which this application relates. A swimming pool is defined within the MLEP2013 below:

*swimming pool has the same meaning as in the Swimming Pools Act 1992.*

**Note.** *The term is defined as follows:*

*swimming pool means an excavation, structure or vessel:*

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the Swimming Pools Act 1992 not to be a swimming pool for the purposes of that Act.

Source: MLEP2013

#### **6.9 Foreshore scenic protection area**

- (1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.
- (2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:
  - (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,
  - (b) measures to protect and improve scenic qualities of the coastline,
  - (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,
  - (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

**Comment:** The whole of the subject site is also located within a Foreshore Scenic Protection Area under the Manly LEP 2013. It is submitted that the proposal for a swimming pool on Lot 8 is consistent with the private residential use of this part of the estate and the proposal will not be visible from Sydney Harbour or from adjoining residential developments. The proposal complies with the objective of Clause 6.9 in that the visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly are not impacted or affected by the subject application.

#### **6.19 Development in St Patrick’s Estate**

- (1) The objectives of this clause are as follows:
  - (a) to protect the heritage significance, including the archaeological, natural and cultural heritage values, of St Patrick’s Estate,
  - (b) to ensure that development does not detract from the heritage significance of Moran House, Cerretti Chapel, St Therese’s Convent and the Archbishop’s Residence,
  - (c) to ensure that any new buildings or structures in St Patrick’s Estate are sympathetic in scale and built form to the heritage items that are situated in St Patrick’s Estate.
- (2) This clause applies to land in St Patrick’s Estate.
- (3) Development consent must not be granted to development on land in:
  - (e) “Precinct 5”, as identified on the Key Sites Map, unless the consent authority is satisfied that the development:

- (i) will not involve the erection of a building within 10 metres of land in Zone E1 National Parks and Nature Reserves, and
  - (ii) will not involve the erection of a building within 5 metres of the western boundary of that Precinct, and
  - (iii) will not involve the erection of a building within 5 metres of the centre of the pathway that extends from the Archbishop's Residence to Spring Cove and is identified on the Key Sites Map, and
  - (iv) will retain the view to and from the Archbishop's Residence and Spring Cove if the development is on land identified as "View Cone" on the Key Sites Map,
- (f) "Precinct 6", as identified on the Key Sites Map, unless the consent authority is satisfied that the development:
- (i) will not involve the erection of a building within 5 metres of the nearest boundary of St Patrick's Estate, and
  - (ii) will not involve the erection of a building within 5 metres of the centre of the pathway that extends from the Archbishop's Residence to Spring Cove and is identified on the Key Sites Map, and
  - (iii) will retain the view to and from the Archbishop's Residence and Spring Cove, if the development is on land identified as "View Cone" on the Key Sites Map,
- (h) "Precinct 10", as identified on the Key Sites Map, unless the consent authority is satisfied that the development:
- (i) will not involve the erection of a building within 5 metres of the western boundary of the Precinct or land in Zone RE1 Public Recreation, and
  - (ii) will not involve the erection of a building within 10 metres of land in Zone E1 National Parks and Nature Reserves, and
  - (iii) will not involve the erection of a building within 5 metres of the centre of the pathway that extends from the Archbishop's Residence to Spring Cove and is identified on the Key Sites Map, and
  - (iv) will retain the view to and from the Archbishop's Residence and Spring Cove, if the development is on land identified as "View Cone" on the Key Sites Map,
- (5) Without limiting subclause (4), development consent must not be granted to development on land in Precinct 5, Precinct 6 or Precinct 10 if the development will result in the total number of dwellings on all that land exceeding 38.

**Comment:** The subject site (Lot 8) is located within development in St Patrick's Estate and therefore Clause 6.19 applies. It is submitted that the proposal is for a swimming pool ancillary to the approved dwelling house for Lot 8 - House 11. It is therefore submitted that the subject proposal meets the relevant objectives of Clause 6.19.

## Schedule 5 - Environmental Heritage

|       |                     |   |  |       |      |
|-------|---------------------|---|--|-------|------|
| Manly | St Patrick's Estate | 151 Darley Road<br>(Primary address,<br>alternate address<br>106 Darley Road) | Part of Lot 2, DP<br>1032990; Lot 2,<br>DP 1109497; Lot<br>2, DP 544297; SP<br>68046; Part of Lot<br>1556, DP 752038 | State | I131 |
|-------|---------------------|---|--|-------|------|

**Comment:** It is noted that the subject site is located within an area that is a listed heritage item under MLEP2013, being item 131. A Heritage Impact Assessment was completed by TKD Architects in respect to the proposed swimming pool for Lot 8. The following was noted:

*"We consider that the proposal to include a small private swimming pool within Lot 8:*

- Is consistent with the private residential use of this part of the Estate and Lot 8*
- Will not result in any adverse impacts on the heritage significance of the Estate or the significant remnant landscape elements from the "Archbishops Residence Gardens"*
- Will not be visible from Sydney Harbour or from the adjoining residential lots*
- Is in accordance with the policies contained within the Conservation Management Plan for St Patrick's Estate 2002, Manly DCP for the Residential Zone 2007 (Amendment No.1); and Manly LEP 1988 (Amendment 24) which were in force at the time of the original development consent"*



## 5.2 Manly Development Control Plan 2013 (MDCP2013)

### Landscaping and Amenity

#### Landscaping

*Objective 1) To encourage appropriate tree planting and maintenance of existing vegetation.*

*Objective 2) To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.*

**Comment:** The subject development was approved in 2007 under DA 482/04. It is submitted that the proposal for a swimming pool and associated landscaping to Lot 8 is ancillary to the original development approval. It is submitted that the proposal the subject of this application adequately complies with appropriate tree planting and vegetation, including the introduction and maintaining important landscape features of the site. Refer to the Landscape Plan prepared by Site Design + Studios for full details.

#### Amenity

*Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*

*Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

**Comment:** It is considered that the pool is ancillary development to the main use on the site being a dwelling house. The size of the pool is small in scale and is situated off the terrace. The pool will be constructed below ground level and will not adversely impact upon the amenity of existing and future residents, nor will it impact the privacy, views, solar access and general amenity of neighbouring properties.

### Swimming Pools, Spas and Water Features

The proposed swimming pool has been designed to meet the objectives of Manly DCP (4.1.9) in particular the following is noted:

*Objective 1) To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties.*

**Comment:** The proposal has been designed to maintain the privacy (both visually and acoustically) of the subject premises and neighbouring properties. The proposed swimming pool is considered to be a small pool and has been integrated into the existing terrace.

*Objective 2) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality*

**Comment:** The proposed pool is located within the western side setback of the subject lot. The pool is not located within the front setback and it will not adversely impact the streetscape or established character of the locality.

*Objective 3) To integrate landscaping; and*

**Comment:** The proposal includes associated landscaping with the introduction of a swimming pool. Refer to the Landscape Plan prepared by Site Design + Studios for full details.

*Objective 4) To become an emergency water resource in bush fire prone areas.*

**Comment:** The proposal could accommodate emergency water resource in bushfire prone areas.

*General*

The swimming pool has been designed to comply with the minimum side setback of 1m, with the water line being at least 1.5m from the boundary. The swimming pool does not comprise more than 30% of the total open space.

The pool is capable of been connected to a sewerage system, as per the relevant requirements. The swimming pool equipment (pumps and filters) will be located within the services void on the lower ground level. It is submitted that the proposed location of the equipment is appropriately located to control and limit noise. The subject proposal includes glass pool fencing and a child proof gate.

**Gross Floor Area (GFA)**

It is submitted that the proposal does not change the existing Gross Floor Area for the Spring Cove Estate. Refer to Gross Floor Area plans prepared by McGregor Coxall.

**St Patrick's Estate Manly.**

It is submitted that the proposed swimming pool and associated landscaping is located totally within the confines of Lot 8 and all relevant matters have therefore been addressed in previous approvals. It is further submitted that the proposal has been designed with the consideration of the indigenous wildlife habitat, in particular the long nosed bandicoot. The proposal will have pool fencing to Australian Standards which will ensure the long nosed bandicoots do not enter the area.

It is further submitted that the proposal will not impact the view cone as taken from the Archbishops residence. The proposal will also not have an adverse impact on the heritage significance on the site. A Heritage Impact Assessment letter has also been prepared by TKD Architects and is submitted with the application.

**Heritage Impact Assessment Issues**

Please refer to TKD Architects letter for full details. This letter addresses all relevant Heritage impacts and concludes in terms of the following:

*"We consider that the proposal to include a small private swimming pool within Lot 8:*

- Is consistent with the private residential use of this part of the Estate and Lot 8*

- *Will not result in any adverse impacts on the heritage significance of the Estate or the significant remnant landscape elements from the "Archbishops Residence Gardens"*
- *Will not be visible from Sydney Harbour or from the adjoining residential lots*
- *Is in accordance with the policies contained within the Conservation Management Plan for St Patrick's Estate 2002, Manly DCP for the Residential Zone 2007 (Amendment No.1); and Manly LEP 1988 (Amendment 24) which were in force at the time of the original development consent"*

### **Geotechnical Assessment**

A Geotechnical Assessment has been prepared by Douglas Partners, dated 11 November 2013. The purpose of the assessment was for the proposed in-ground pool. The assessment was undertaken to provide information on the subsurface profile for design and planning of the pool and for the submission with a development application to Manly Council.

## **6. RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES.**

### **6.1 SEPP 65 Design Quality of Residential Flat Buildings**

Not relevant.

### **6.2 SREP 2005 (Sydney Harbour Catchment)**

Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005) applies based on the map boundaries of the SREP and Clause 11 (Transitional Provision) in that the original Development Application was lodged prior to the commencement of this plan, however the plan was advertised and accordingly, development at the time that the original DA was determined required consideration under this planning instrument.

The subject proposal does not impact in any way upon the original assessment of the development, having regard to biodiversity, ecology, environmental protection, public access to and use of foreshores and waterways, maintenance of a public harbour, scenic quality, enhancement of views, and boat storage facilities.

As reported to Council previously at the time DA 482/04 was approved, the proposal met the requirements of this SEPP. There is no change to the proposal that would in any way hinder or interfere with the matters listed above as pertaining to the application for the Modification.

### **6.3 Sydney Harbour Foreshores and Waterways Area DCP 2005**

This plan deals with ecological communities and landscape characters. The land at the foreshore, both within the water and on land is a mix of -

- seagrass beds
- mixed rocky intertidal and sand
- open forest (type B)
- high conservation status

None of the above is to change with the proposal.

### **6.4 SEPP 56 - Sydney Harbour Foreshore and Tributaries**

The original Development Application (as amended) was assessed in accordance with the guiding principles contained in this SEPP. The proposal for a swimming pool does not alter in any way the original findings.



## **6.5 SEPP 55 - Remediation of Land**

A Geotechnical Assessment has been carried out by Douglas Partners. However, it is important to note that the original Development Application was subject to a comprehensive environmental assessment. The site auditor concluded that the site was suitable for the purposes of residential use with accessible soil. There is no reason why this situation has changed and therefore, the site would still be suitable for the purposes defined by the site auditor.

## **6.6 SREP 23 - Sydney and Middle Harbours**

The site falls within the parameters of the above regional plan. All relevant matters were previously considered at the time that the original consent (as amended) was granted. The application was deemed environmentally acceptable in relation to relevant matters required to be addressed under the SREP 23.

## **7. OTHER MATTERS UNDER SECTION 79(C) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

### **7.1 Matters for Consideration - General**

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

- (a) The provisions of:
  - (i) Any environmental planning instrument;
  - (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;
  - (iii) Any development control plan;
  - (iv) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; and
  - (v) The regulations that apply to the land to which the development application relates

#### **Comment:**

The proposal for the swimming pool and associated landscaping has been considered and deemed to be consistent with the relevant provisions and objectives under MLEP2013 and MDCP2013.

The proposal is considered to be consistent with the fundamental objectives and provisions of the governing instruments and, accordingly, the proposal represents a development type and use facilitated by such instruments.

### **7.2 Likely Impacts of the Development (Section 79(C) (1) (b))**

An assessment of the likely impacts of this proposal, including environmental impacts on both the natural and built environment and social economic impacts in the locality, has been made as follows:

#### **Comment:**

The proposal will have no adverse social, economic or environmental impacts on this precinct.

The proposal is consistent with the statutory planning controls as they currently exist and, taken individually, will have a negligible economic impact on other similar developments within this precinct.

The proposal is consistent with the character of the area and is compatible with other developments and land uses in the immediate proximity.

### **7.3 Suitability of the Site (Section 79(C) (1) (c))**

The proposal is compatible with other land uses within this immediate precinct. The development is consistent with the land use intentions and objectives of Manly LEP 2013 and relevant MDCP2013 provisions and controls. The development has been appropriately designed having regard to the existing natural and built environment. The development notwithstanding it is of an ancillary nature to the dwelling house has been designed with associated landscaping to enhance the amenity and minimise any adverse impacts on neighbouring properties. The pool has also been designed to integrate into the design of the approved dwelling house, in particular the outdoor terrace area and associated landscaping.

The proposal would have no adverse impact on the streetscape nor would it impinge upon the characteristics of the built form of the building approved under DA 482/04 (as modified).

### **7.4 Submissions (Section 79(C) (1) (d))**

No submissions are available at this time.

### **7.5 The Public Interest (Section 79(C) (1) (e))**

The proposal does not have any adverse environmental impacts and the existing amenity of the precinct has been protected and maintained throughout the proposal of DA 482/04. The proposal does not affect the public's interest as the subject site being Lot 8 (House 11), has a lawful consent for the erection of a dwelling house.

## **8. CONCLUSIONS**

- The merits of the proposal have been assessed in accordance with the provisions of the relevant clauses of MLEP 2013, and the provisions of 79C of the *Environmental Planning and Assessment Act, 1979*.
- The proposal is permissible under MLEP2013. The use of the site for this purpose is considered to be consistent with the Zoning Objectives of the area and consistent with the overall Master Plan for the St Patrick's Estate.
- Accordingly, the application for the swimming pool and associated landscaping on Lot 8 (House 11) is acceptable from environmental, social and planning perspectives and approval should therefore be granted by Council.