

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
Additions to Dwelling
and Proposed
Secondary Dwelling

70 Gladstone Street,
Newport

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Statement of Environmental Effects

Alterations and Additions to Dwelling and Proposed Secondary Dwelling

at 70 Gladstone Street, Newport

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application proposing alterations and additions to the existing dwelling as well as a new secondary dwelling.

The proposed alterations and additions are a superior architectural design that is appropriately responsive to the constraints of the site, the desired future character of the Newport Locality and has regard for the amenity of surrounding properties. The proposed works provides a high level of internal and external amenity for the occupants of the dwelling and contributes positively to the streetscape. The secondary dwelling will provide valuable affordable rental housing opportunities in the area.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans by Andy Lehmann Design
- Survey
- Stormwater Management Plans
- BASIX Certificate
- Waste Management Plan
- Arborist Report
- Landscape Plan

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

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Housing) 2021
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and
- Pittwater 21 Development Control Plan 2012 (**P21 DCP**).

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The site has a legal description of Lot 70 in DP 160935 and is commonly referred to as 70 Gladstone Street, Newport.

An aerial location photograph is at Figure 1 below.

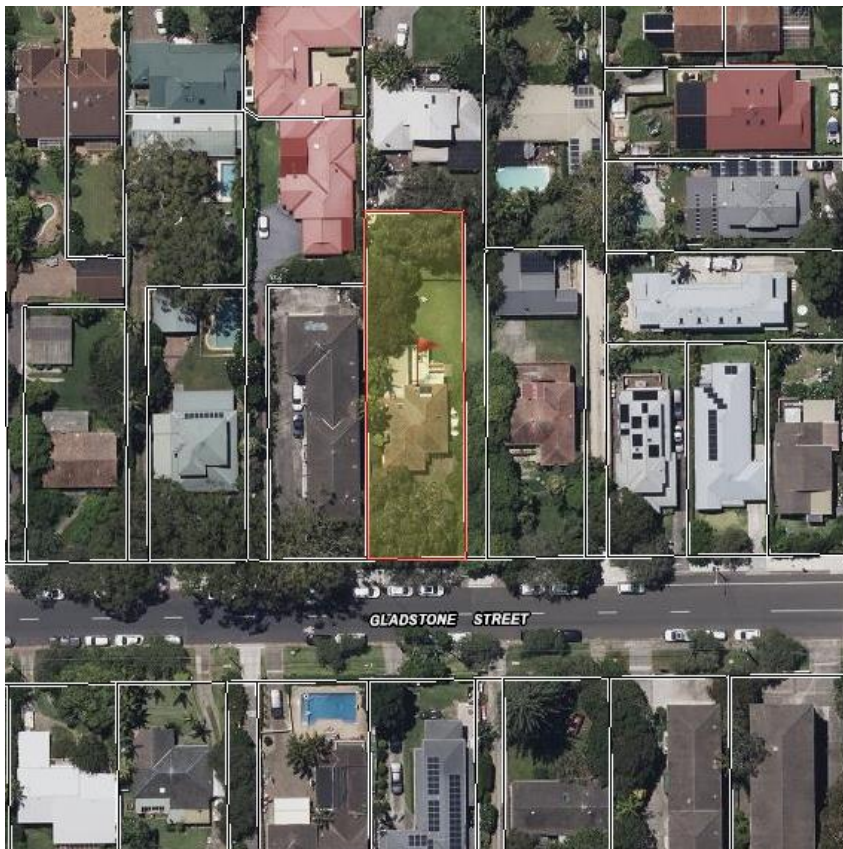


Figure 1: Aerial photograph of the subject site

The subject site measures 953.1m² with a width of 16.46m and length of 57.91m. The existing development comprises a single storey dwelling.

The subject site sits on the northern side of Gladstone Street. The topography has a gentle slope down from street level to the rear of approximately 4m. The existing landscaping contains a number of tree on or adjacent to the site which have been identified within the arborist report provided.

Development within the vicinity contains a variety of low and medium density residential uses. Newport local centre is located to the south of the site within walking distance. The site benefits from being within close proximity to the waterfront and public reserves.

3 Description of Proposed Development

3.1 Details of the proposed development

The works will require some partial internal and external demolition of the existing dwelling. Specifically, this application provides for:

Works to the Dwelling:

- 2 storey addition located behind the existing dwelling
- Ground floor will include a open plan kitchen/living/dining room with powder room and laundry. This space will open out to a deck.
- First floor will include 2 bedrooms and library with BED1 including an ensuite and WIR
- New carport for 2 cars

Secondary Dwelling:

- 1 bedroom secondary dwelling with bathroom, bedroom, laundry and combined living room with kitchen.

A landscape plan by Volker Klemm Landscape Design details the enhancement of landscaping across the site.

An arborist report is provided by Treeism which assessing the trees on site and recommendations for tree protection for those trees to be retained.

A BASIX Certificate supports the application confirming that the building performs well with regard to sustainability and meets and/or exceeds relevant industry standards.

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 4.15 of the EP&A Act, 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

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the R2 low density residential zone. Dwelling houses and secondary dwellings are permissible with consent.

The objectives of the R2 zone are considered as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

Council can be satisfied that the proposed works are consistent with the objectives of the zone. Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) and the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 8.5m. 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.

The proposed works to the dwelling and the new secondary dwelling will sit comfortably below the 8.5m height development standard.

4.1.3 Acid Sulfate Soils

The site is identified within Class 5 on the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

4.1.4 Essential Services

Pursuant to clause 7.10 of PLEP 2014, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The consent authority can be satisfied that these services will be available prior to occupation, and if necessary, conditions of consent can be imposed in this regard.

4.1.5 Controls relating to miscellaneous permissible uses

Clause 5.4(9) of the LEP states that:

*(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

- (a) 60 square metres,*
- (b) 25% of the total floor area of the principal dwelling.*

The proposed floor space in the secondary dwelling is measured at 60m² and consistent with this control.

4.2 Pittwater 21 Development Control Plan

4.2.1 Newport Beach Locality

The site is located within the Newport Locality, which is described as follows:

The Newport Locality was occupied by farming settlements from the early 1800s, and was a port for coastal steamers in the latter part of the nineteenth century. The Newport Hotel built in 1880 attracted visitors from Manly by coach and Sydney by steamer. As the road improved and beach holidays became popular, Newport expanded. Until the 1950s, Newport remained largely a holiday location with few permanent residents. Residential development and permanent occupation of dwellings increased from the 1950s.

Since this time, the locality has developed into a predominantly low-density residential area, with dwellings built along valley floor, plateau and slopes. The locality is characterised mainly by one and two-storey dwelling houses on 500-1,300 square metre allotments (some blocks may be smaller), increasing to 950-1,600 square metres on the plateau and slopes. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Medium-density housing adjoins the Newport Commercial Centre along Ocean and Foamcrest Avenues, and in pockets along Kalinya Road, Gladstone Street, Livingston Place, and Queens Parade.

The locality is serviced by the Newport Commercial Centre on Barrenjoey Road, north of Bardo Road and South of Coles Parade, and neighbourhood retail centre at Kalinya Street. The locality also contains the Newport Primary School, Newport Arms Hotel, and recreational facilities including the Newport Bowling Club and several reserves.

The eastern side of the locality is dominated by the beach and adjoining headlands, with its recreational facilities including Newport Surf Life Saving Club. Whilst the western side is dominated by the Pittwater waterway and its nautical uses. Public pedestrian access around the Pittwater frontage is difficult and should be enabled and enhanced in future developments.

Houses and vegetation in the vicinity of Burke Street, Bungan Head Road, Prince Alfred Parade, Queens Parade and Myola Road, indicative of early settlement in the locality, have been identified as heritage items.

The locality is characterised by the steep slopes to the north and south, and valley floor. Due to the topography, significant views can be obtained through all points of the compass. Conversely, the slopes and ridge tops of the locality are visually prominent.

Substantial tree growth has been established, although the locality contains few natural reserves and bushland areas.

The natural features of the locality result in a high risk of bushfire, landslip, flood, coastal (bluff) hazard, and estuary wave action and tidal inundation.

The major roads within the locality are Barrenjoey Road, Prince Alfred Parade, Beaconsfield Street, Irrubel Road and Myola Road. Barrenjoey Road which forms a distinct barrier between the east and western sides of the locality, is the primary access road to the northern suburbs of Pittwater. Few pedestrian/cycle links and pathways exist within the locality.

The proposed works are consistent with the character of the Newport Locality. The development will remain a low density residential development and will be within an enhanced landscaped setting.

4.2.2 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
Part B General Controls			
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is accompanied by Stormwater Management Plans which demonstrate consistency with Council's Water Management for Development Policy.	Yes
B6.3 Off-Street Vehicle and Parking Requirements	2 spaces (minimum)	Formalised covered parking for 2 cars is provided via the new carport. Additional parking is not required for the secondary dwelling pursuant to SEPP (housing) as there is no existing formalised parking on site and the proposal will increase off-street parking.	Yes
B8.1 Construction and Demolition - Excavation	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk	The development will require some minor demolition to accommodate the rear addition.	Yes

Control	Requirement	Proposed	Compliance
	Management Policy for Pittwater.	A waste management plan is provided with this application also.	
B8.3 Construction and Demolition – Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Construction and Demolition Waste Management Plan.	Yes
B4.22 Preservation of Trees and Bushland Vegetation	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To effectively manage the risks that come with an established urban forest through professional management of trees.</p>	<p>An arborist report by Treeism has been prepared and accompanies this application.</p> <p>22 Trees were assessed by the Arborist. 1 medium value retention tree is proposed to be removed. The report provides recommendations to minimise impacts on the 4 trees which have minor encroachments within the tree protection zone.</p> <p>No assessed trees have been identified as endangered or threatened.</p>	Yes
C1 Design Criteria for Residential Development			
C1.1 Landscaping	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping that reflects the scale and form of development.</p>	<p>The proposal will retain the trees with the exception of 1 medium value tree as detailed within the arborist report.</p> <p>New native plantings are proposed and detailed on the landscape plan provided. The landscape design will contribute positively to the local area and enhance the private open space areas on site while also provided</p>	Yes

Control	Requirement	Proposed	Compliance
		additional screening and softening of the built form.	
C1.2 Safety and Security	The development is to be designed in accordance with the four CPTED principles.	The primary dwelling provides appropriate casual surveillance of the street.	Yes
C1.3 Views	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	No views will be impacted.	Yes
C1.4 Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p>	<p>The application is supported by Shadow Diagrams which are provided within the architectural set.</p> <p>The additional overshadowing is considered minor with adjoining properties still receiving compliant levels of solar access.</p>	Yes
C1.5 Visual Privacy	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building	The development does not give rise to any unreasonable visual privacy impacts. The site is significantly spatially separated from No. 68 with existing landscaping to be retained providing a high level of privacy attenuation.	Yes

Control	Requirement	Proposed	Compliance
	layout, landscaping, screening devices or greater spatial separation (measured from a height of 1.7 metres above floor level).	The new first floor addition to the rear of the existing dwelling does not give rise to any visual privacy concerns and relates to bedrooms.	
C1.6 Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The proposed development is unlikely to result in any adverse acoustic privacy impacts above that of a typical residential dwelling.	Yes
C1.7 Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres.	More than 80m ² of private open space is provided across the site.	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	<p>The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.</p> <p>A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.</p> <p>Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.</p>	<p>Only 2 dwellings are proposed.</p> <p>The secondary dwelling is single storey, 1 bedroom and is not located above a detached garage.</p>	Yes

Control	Requirement	Proposed	Compliance
	A secondary dwelling above a detached garage is not supported.		
Part D1 Newport Locality			
D1.1 Character as viewed from a public place	<p>The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p>	<p>The site slopes down from street level with the primary dwelling addition and secondary dwelling located behind the existing single storey dwelling. As such, the works will not create a significant change to the streetscape from the existing circumstance. The single dwelling form will continue to be the prominent character of the site within the streetscape.</p> <p>Existing street trees and vegetation adjacent to the front boundary will be retained and continue to provide a high level of screening from the street. The carport forward of the dwelling will not be readily visible notwithstanding that it will be an open structure, consistent with the front setback control and not result in any unreasonable visual impacts.</p>	Yes
D1.5 Building Colours	Dark and earthy tones	The proposed development incorporates natural materials and finishes to blend with the surrounding natural environment.	Yes

Control	Requirement	Proposed	Compliance
D1.8 Front Building Line	6.5m	Complies	Yes
D1.9 Side and Rear Building Lines	<p>1m to one side, 2.5m to the other.</p> <p>6.5m to rear.</p>	<p>Complies with side setbacks.</p> <p>New addition to the dwelling will have 2.5m side setbacks to each boundary.</p> <p>The secondary dwelling will have a 2.5m setback to the eastern side boundary and 1m to the western.</p> <p>The rear setback to the secondary dwelling is measured at 3.9m which is a variation to the control. We note that the setback is in excess of the 3m stipulated with schedule 1 of the SEPP (housing) 2021 as it relates to complying development for secondary dwellings which speak to its reasonableness in this regard.</p> <p>There is also a sewer main that bisects the site towards the rear which constrains the ability for the secondary dwelling to meet the 6.5m rear setback without building over the sewer.</p> <p>The secondary dwelling is single storey and does not give rise to any unreasonable bulk and scale concerns. The proposed setback does not result in any adverse amenity impacts to surrounding properties. The existing trees along the rear boundary are to be retained with additional new landscaping treatments proposed within the rear setback. In this regard, the proposal is consistent with the</p>	No - worthy on merit.

Control	Requirement	Proposed	Compliance
		objectives of the control despite the variation.	
D1.11 Building envelope	Development is to be maintained below planes projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	<p>The 2 storey addition will have a minor variation to along the eastern elevation.</p> <p>As mentioned previously, the site slopes down from street level with the new addition to match the roof ridge height of the existing single storey dwelling. This existing dwelling will continue to be the prominent character within the streetscape and remain consistent with the desired further character for Newport. The design of the new addition assists in promoting a reasonable building scale which will be perceived as single storey when viewed from the street.</p> <p>No amenity impacts will occur as a result of the minor breach with regard to privacy and overshadowing. Significant spatial separation is achieved to the adjoining property to the east via a landscaping strip between the dwelling which is likely a result of historical battleaxe subdivision arrangement. As such, no unreasonable visual impacts are anticipated when viewed from eastern adjoining property.</p>	No - minor breach
D1.13 Landscaped Area	50% minimum	Complies. 53% soft landscaping proposed.	Yes

4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the proposed alterations and additions and aims to encourage sustainable residential development.

A BASIX Assessment 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 (Housing) 2021

Part 1 of the Housing SEPP relates to secondary dwellings:

Division 1 - Preliminary

50 – Application of Part

This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.

Response:

The land is zoned R2 Low Density Residential.

Division 2 – Secondary dwellings permitted with consent

52 Development may be carried out with consent

- (1) Development to which this Part applies may be carried out with consent.*
- (2) Development consent must not be granted for development to which this Part applies unless—*
 - (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and*
 - (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and*
 - (c) the total floor area of the secondary dwelling is—*
 - (i) no more than 60m², or*
 - (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.*

Response:

The proposed secondary dwelling floor area is measured at 60m² and will result in the site only having a primary and secondary dwelling.

53 Non-discretionary development standards—the Act, s 4.15

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—

(a) for a detached secondary dwelling—a minimum site area of 450m²,

(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

Response:

The site area is 953.1m². No reduction in existing levels of off-street parking proposed.

4.5 Matters for Consideration pursuant to section 4.15(1) 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(1) of the EP&A Act (as amended):

(i) any environmental planning instrument

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

(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

There are no draft instruments that are applicable in relation to the proposed development.

(iii) Any development control plan

P21 DCP applies and the relevant provisions have been considered in this statement.

(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,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

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*

These matters have been discussed in the body of this report.

- 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.

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*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

Public Domain

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

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna. A landscape plan is provided which will be an enhancement of the site.

Waste Collection

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors.

Natural hazards

No known hazards

Economic Impact in the locality

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

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 considered to be 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. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

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

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

Normal site safety measures and procedures will ensure that no 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 adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

(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 proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed development responds positively to the desired future character of the Newport Locality and is appropriately located on the site. The works will provide a high level of amenity for occupants of the dwelling, without any adverse impacts upon the amenity of adjoining residences or the natural environment. A secondary dwelling will contribute to the availability of affordable rental housing in the area.

The identified non-compliances DCP non-compliances have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

Boston Blyth Fleming Pty Limited

William Fleming

Director