

STATEMENT OF ENVIRONMENTAL EFFECTS

New Primary and
Secondary Dwellings
34 Prince Alfred Parade
Newport

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Statement of Environmental Effects

New Primary and Secondary Dwellings

34 Prince Alfred Parade, Newport

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TABLE OF CONTENTS

1	Introduction	1
2	Site Analysis.....	3
2.1	Site Description and Location	3
2.1.1	The Site.....	3
2.1.2	The Locality	4
3	Description of Proposed Development.....	6
3.1	Details of the Proposed Development.....	6
4	Statutory Planning Framework	7
4.1	Pittwater Local Environmental Plan 2014	7
4.1.1	Zoning and Permissibility	7
4.1.2	Height of Buildings.....	7
4.1.3	Acid Sulfate Soils (Clause 7.1)	8
4.1.4	Earthworks	8
4.1.5	Coastal Risk Planning	8
4.1.6	Biodiversity	8
4.1.7	Geotechnical Hazard	8
4.1.8	Limited development on foreshore area.....	9
4.1.9	Flood Planning	9
4.1.10	Controls relating to miscellaneous permissible uses.....	9
4.2	Pittwater Development Control Plan 2014	10
4.2.1	Newport Locality	10
4.2.2	Pittwater 21 Development Control Plan Compliance Table	12
4.3	State Environmental Planning Policy (Resilience and Hazards) 2021	26
4.4	State Environmental Planning Policy (Sustainable Buildings) 2022	28
4.5	Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended.....	28
5	Conclusion	33

Attachment 1 Clause 4.6 variation request – height of buildings

1 Introduction

This statement has been prepared on behalf of the owners as part of the supporting documentation for a development application (DA) proposing the demolition of the existing dwelling and the construction of a new primary dwelling and secondary dwelling. The existing boat shed will be retained.

The proposed works have responded to the client brief to provide a family home of excellent amenity which takes advantage of the sites locational attributes. The proposal has been developed through detailed site and contextual analysis to ensure that the proposal does not give rise to any adverse streetscape or residential amenity impacts in terms of views, solar access or privacy. The accompanying landscape plan will see an enhancement of the site which will complement the C4 conservation zoning and the desired future character for the Newport Locality. The proposed secondary dwelling will contribute positively to the availability of affordable housing in the locality.

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

- Survey Plan
- Architectural drawings
- Basix Certificate;
- Stormwater Management Plan
- Landscape plan
- Arborist report
- Geotechnical report
- Ecology report
- Waste Management Plan
- Coastal Risk Management Report
- Flood Risk Assessment
- Engineered Driveway design

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 (Sustainable Buildings) 2022;

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 not have an unreasonable 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 2, in DP 23311, 34 Prince Alfred Parade, Newport. A location map is included as **Figure 1**.

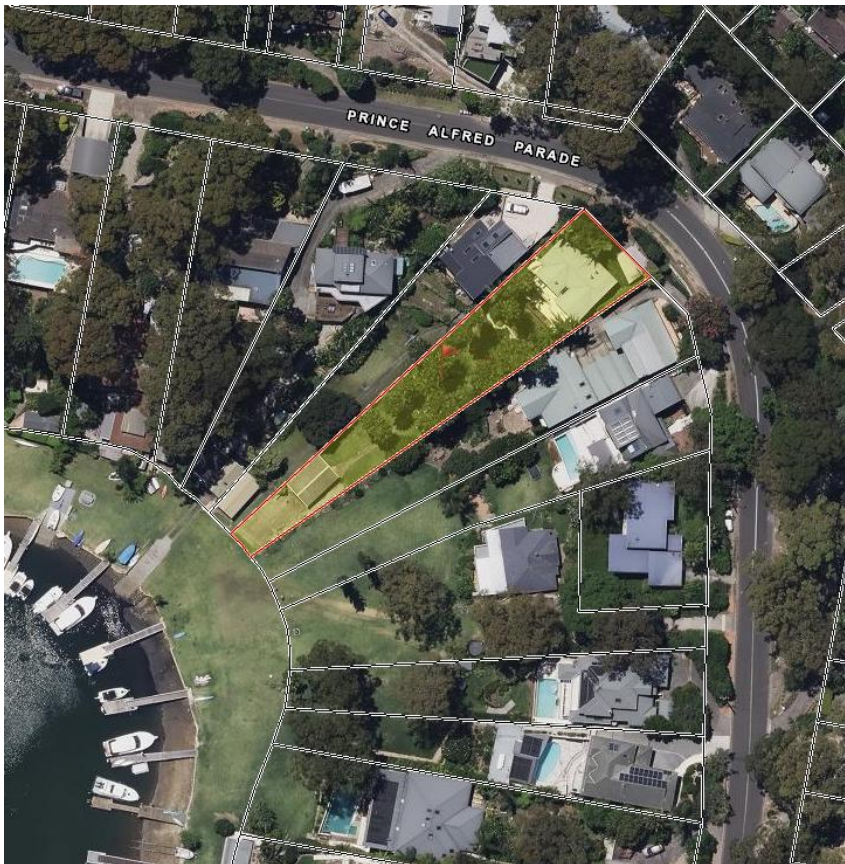


Figure 1: Site Location (Source: Six Maps)

Number 34 Prince Alfred Parade is a predominately rectangular shaped allotment comprising a total site area of 1359.3m². The geometry of the tapers in from the front boundary to the rear of the site. The frontage measures 20.225m, side boundaries measuring between 101.805m and 103.63m which extend down to the mean high water mark (MHW).

The existing development on site comprises a part 1 & 2 storey brick and timber dwelling, weatherboard boat shed to the rear of the site and a detached carport. Development in the local area comprises predominately low density residential uses. The site benefits from its waterfront location with Royal Motor Yacht Club located in proximity to the west of the subject site.

The topography of the site slopes down from street level to the MHWL steeply. A lawned reserve is located adjacent to the rear boundary of the site and provides access to the waterfront.

The arborist report provided identifies that Palm Tree species are the dominant existing landscape feature of the site. The site is mapped as a terrestrial biodiversity area.

2.1.2 The Locality

The subject site is located within the Newport Locality. The Pittwater DCP provides a locality statement regarding the context of development in that area.

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.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes the demolition of the existing dwelling. The proposed dwelling is detailed within the architectural drawings prepared by Marker Architecture. Specifically, the works include

Primary Dwelling

Lower Ground Floor:

- This level is predominately subfloor with internal stair access to the pool area at the rear of the dwelling

Ground Floor:

- Open plan living/dining/kitchen including butlers pantry which will open out to a rear facing deck.
- Rumpus room, study, laundry, bathroom and storage space.
- A courtyard and covered link space separate the study and rumpus areas from the main living area.

First Floor:

- 4 bedrooms including the master. The master bedroom will include an ensuite and WIR. A bathroom and separate W/C are also located on this level.

Secondary Dwelling

- The secondary dwelling will include a bedroom, bathroom, kitchen and living/dining space.

This application is supported with a landscape plan which will include a swimming pool located behind the dwelling.

The arborist report details the trees to be removed and protection measures for the trees being retained.

Stormwater management plans have been provided. A geotechnical report confirms the proposed works are suitable with regard to the level of landslip risk.

A BASIX certificate confirms the proposal can achieve compliance with the energy efficiency 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 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 C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the C4 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 have an adverse effect on 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 a new primary and secondary dwelling which are permissible uses in the zone. The development will respect the environmental values of the area and the superior locational aesthetic attributes of the locality.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 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 primary dwelling will breach the 8.5m height towards the rear of the dwelling for a minor portion of the roof over the master bedroom. The height extends to 9.25m. As such, a clause 4.6 request to vary the height development standard has been provided with this application (Attachment 1).

The secondary dwelling is consistent with clause 4.3(2FA) which includes a 5.5m height limit.

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 5 on the acid sulfate soils map. The works do not require any significant excavation that would expose or disturb a potential acid sulfate soils on the site that would present a risk to the local environment.

4.1.4 Earthworks

The proposed level of excavation is considered reasonable in this instance for development on a sloping site. A geotechnical report has been prepared and considers the development reasonable with regard to risk with recommendations provided to minimise impacts to site stability and adjoining properties.

4.1.5 Coastal Risk Planning

A Coastal Risk Planning report has been prepared by Peter Horton Coastal Engineering and accompanies this application. The works are considered reasonable with regard to the coastal risks impacting the site.

4.1.6 Biodiversity

A fauna and flora report has been provided with this application. The report concludes that no threatened flora or fauna species were identified with the subject site.

4.1.7 Geotechnical Hazard

The site is identified as a geotechnical hazard area and geotechnical report has been provided. The report provides recommendations for construction to minimise the risks to land stability. It is anticipated that the recommendations of the geotechnical report will be incorporated into a consent.

4.1.8 Limited development on foreshore area

A foreshore building line applies to the subject site. No works are proposed within the foreshore building line in compliance with this development standard.

4.1.9 Flood Planning

The subject site is identified as flood prone land as identified on the Council mapping shown below:



Image 2: Flood mapping

A flood risk assessment has been provided which demonstrates consistency with Council flood planning requirements and is acceptable with regard to risk during a flood event.

4.1.10 Controls relating to miscellaneous permissible uses

With regarding the clause 5.4(9), secondary dwellings, the controls state that:

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 total floor area of the secondary dwelling is compliant with the maximum 60m²

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 a dwelling of exceptional amenity while being sensitive to the local environment and its aesthetic qualities. The works are compatible with the character and scale of development within the locality and in its 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 which captures the sites valuable locational attributes.

4.2.2 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
Section B: General Controls			
B3.1 Landslip Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).	A geotechnical report has been provided	Yes
B3.4 Coastline (Bluff) Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Part B Appendix 5) .	Both a coastal report and geotechnical report have been provided with this application.	Yes
B4.1 Flora and Fauna Conservation Category 1 Land	The long-term viability of locally native flora and fauna and their habitats in the Pittwater Local Government Area	A flora and fauna report has been provided.	Yes

Control	Requirement	Proposed	Compliance
Preservation of Trees and Vegetation B4.22	<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>To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.</p> <p>To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.</p>	<p>An arborist report has been prepared with this application.</p> <p>The report details that the bulk of the trees on site are Palm Trees. 9 Cabbage tree palms are located within the buildable footprint and are proposed to be removed.</p> <p>Tree protection measures are recommended</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Stormwater B5.15	<p>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</p> <p>Minimise the risk to public health and safety;</p> <p>Reduce the risk to life and property from any flooding and groundwater damage;</p>	<p>Stormwater management plans have been provided with this application.</p>	<p>Yes</p>
B6.2 Internal Driveways	<p>Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in</p>	<p>Engineering drawings with driveway long sections and swept path analysis have been provided. The existing vehicle crossing is to be retained.</p> <p>The internal driveway is consistent with the requirements within the DCP.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	accordance with the standards.		
Off-Street Vehicle Parking Requirements B6.3	2 Spaces for dwelling 1 space for secondary dwelling	Complies for dwelling. No additional space is proposed for the secondary dwelling. While not in strict accordance with the DCP control it is considered reasonable in this instance. Council have been flexible in applying this DCP given that if the SEPP (housing) applied to the site it would not require additional parking to be provided for the secondary dwelling.	Yes – to dwelling No – secondary dwelling
Construction and Demolition - Waste Minimisation B8.3	Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The architectural plans include a waste management and sediment control plan. The plan identifies how waste and recyclable materials will be stored on site and where materials will be stored. The construction will dispose of materials appropriately or reused/recycled where reasonable to do so.	Yes
Landscaping C1.1	A built form softened and complemented by landscaping. (En) Landscaping reflects the scale and form of development. (En)	A detailed landscape plan has been provided which incorporate a range of native trees, plants and shrubs. The landscaping proposed will enhanced the site while also	Yes

Control	Requirement	Proposed	Compliance
	<p>Retention of canopy trees by encouraging the use of pier and beam footings. (En)</p> <p>Development results in retention of existing native vegetation. (En)</p> <p>Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)</p>	contributing positively to the local biodiversity.	
<p>Safety and Security</p> <p>C1.2</p>	<p>On-going safety and security of the Pittwater community. (S)</p> <p>Opportunities for vandalism are minimised. (S, Ec)</p> <p>Inform applicants of Council's requirements for crime and safety management for new development.(S)</p> <p>Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies</p>	The design of the dwelling achieves a high level of safety and security for the occupants.	Yes

Control	Requirement	Proposed	Compliance
	and legislative requirements		
View Sharing C1.3	The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	<p>The adjoining properties will not experience any unreasonable view impacts as a result of the proposed dwelling.</p> <p>The proposal will not unreasonably impact on any existing views and is consistent with the principals of view sharing as outlined in <i>Tenacity vs Warringah Council</i>.</p>	Yes
Solar Access C1.4	<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</p>	<p>Shadow diagrams have been prepared and provided within the architectural set.</p> <p>The shadow diagrams demonstrate that compliant levels of solar access will be achieved to the adjoining properties. No. 32 will retain compliant levels of solar access to their principal living area windows. Their principal living areas are located on the first floor level. Ground floor bedroom windows will receive some additional overshadowing.</p> <p>The main private open space areas will receive compliant levels of solar access with a minimum of 3 hours achieved.</p>	Yes

Control	Requirement	Proposed	Compliance
	glazed area of those windows).		
Visual Privacy C1.5	<p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</p> <p>A sense of territory and safety is provided for residents</p>	<p>The design is considered to respond appropriately to visual privacy amenity by limiting fenestration treatment to the side facing elevations to minimise overlooking opportunities.</p> <p>Ground and first floor decking are orientated to the rear to access the view towards Pittwater. The first floor rear deck is modest in scale and associated with a bedroom. The main private open spaces relating to the ground floor deck and pool area do not give rise to privacy or overlooking opportunities.</p>	Yes
Acoustic Privacy C1.6	<p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)</p> <p>Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and</p>	<p>The development does not give rise to any potential adverse acoustic amenity impacts. The works relate to a dwelling in an established residential area. In this regard, it is considered that the noise generated by a development would not be considered unreasonable in this context.</p>	Yes

Control	Requirement	Proposed	Compliance
	communal or private open space areas		
Private Open Space C1.7	<p>Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)</p> <p>Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)</p> <p>Private open space receives sufficient solar access and privacy.</p>	<p>The proposal does provide for ample private open space areas in excess of the requirements.</p>	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>	Complies	Yes

Control	Requirement	Proposed	Compliance
	A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.	Only 1 bedroom and bathroom are proposed	Yes
	A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.	A 1m landscape setback is proposed to the driveway. This is considered reasonable as the proposed driveway will directly adjoin the driveway of No. 32. The adjoining dwelling is significantly spatially separated from the secondary dwelling.	No - worthy on merit
	Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.	Single storey proposed	Yes

Control	Requirement	Proposed	Compliance
	Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within <i>Pittwater Local Environmental Plan 2014</i> .	Complies with the 5.5m height standard within the LEP	Yes
	A secondary dwelling above a detached garage is not supported.	Not proposed	Yes
Waste and Recycling Facilities C1.12	<p>To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development.</p> <p>To encourage the ongoing minimisation and management of waste handling in the future use of premises.</p>	Adequate bin storage can be provided on site and screened from the street.	Yes

Control	Requirement	Proposed	Compliance
Swimming Pool Safety C1.17	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Can be achieved	Yes
Section D: Locality Specific Development Controls			
Character as viewed from a public place D10.1	<p>To achieve the desired future character of the Locality.</p> <p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built form and natural environment. (En, S, Ec)</p> <p>To enhance the existing streetscapes and promote a scale and density that is in</p>	<p>The proposed development is consistent with the desired future character of the local area. The dwelling is 2 storeys with a lower level subfloor area which reflects the sloping topography.</p> <p>None of the works will be readily discernible from the street. When viewed from the water the dwellings will be consistent with development in the immediate area with many existing dwellings to continue to sit higher in the landscape and more visually prominent than the proposed scheme.</p> <p>A range of materials and finishes couple with appropriate</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>scale with the height of the natural environment.</p> <p>The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)</p> <p>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</p> <p>Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.</p>	<p>articulation of the facades create visual interest with the proposal and minimises bulk and scale.</p> <p>It is considered that the proposal is consistent with the desired future character of Newport.</p>	
Building colours and materials D10.4	<p>Achieve the desired future character of the Locality.</p> <p>The development enhances the visual quality and identity of the streetscape. (S)</p>	<p>The proposed colours and materials are detailed on the architectural plans and are consistent with the desired future character of the Newport Locality.</p>	Yes

Control	Requirement	Proposed	Compliance
	To provide attractive building facades which establish identity and contribute to the streetscape.		
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.	<p>The front setback in this location varies due to the steep topography. Structures are identified close to the front boundary on adjoining site.</p> <p>The proposal seeks to incorporate a 6.5m front setback to the secondary dwelling which is consistent with the control.</p>	Yes
Side and Rear Building Line D12.8	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.	Complies.	Yes
	Foreshore Building Line	Complies	Yes
Building envelope D10.11	Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side	The dwelling will breach the building envelope on the north-west elevation through the master bedroom. The southeast elevation is well within the envelope, as shown	No - worthy on merit

Control	Requirement	Proposed	Compliance
	boundaries to the maximum building height	<p>on section 3 drawings within the architectural set (Drawing 2401)</p> <p>The breach is a result of the topography of the site. The bulk of the dwelling will sit within the envelope and, on balance, is considered reasonable in this instance.</p> <p>The proposal is considered reasonable as there are no adverse amenity impacts associated with the breach and does not give rise to any unreasonable visual impacts. The works are highly articulated which minimises the visual bulk and will be commensurate within the context of surrounding development. The sloping topography is limiting the ability for strict compliance and a concerted effort has been made to minimise the breach as reflected in only one elevation of the dwelling extending outside the envelope.</p>	
Landscaped Area D10.12	Total Landscaped Area is 60% of the total site area.	<p>The development provides for 737.58m² of soft landscaping. 6% of the site area can be included that is impervious provided it is used for outdoor recreation at ground level. When including the 6% impervious the calculation increases to 819.16m² or</p>	Yes

Control	Requirement	Proposed	Compliance
		60.26% in accordance with the control.	

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The site is identified as being within the Coastal Environmental Area Map and Coastal Use Area Map:

Clause 2.10 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 escarpment overlooking Pittwater. 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 2.11 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 proposed works are commensurate with surrounding development and does not give rise to any adverse visual impacts when viewed from the water.

Clause 2.12 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.

4.4 State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 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.

4.5 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 and 2 car carport proposed. Existing crossover retained.

Public Domain

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

Utilities

Existing utility services can connect to the new dwellings

Flora and Fauna

Flora and fauna report provided

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

Geotech and coastal reports provided

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 the Environmental Planning and Assessment Regulation 2021. 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 and secondary 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.

The Applicant's have approached the development in good faith via a pre-lodgement meeting with Council and engaging with immediate neighbours to achieve a reasonable outcome.

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 works to provide a new primary and secondary dwelling are reasonable in this instance and achieve a high level of compliance with both the LEP and DCP controls. The minor breach to the building height has been adequately addressed within the clause 4.6 request provided. The identified non-compliances with the building envelope have been reasonably justified in this instance and warrant Council applying its DCP flexibility in this instance.

The works do not give rise to any unreasonable amenity impacts. The secondary dwelling will contribute positively to the availability of affordable rental housing in the locality.

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 works are compatible with the desired future character of the locality.
- The proposed works will have a negligible 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.