

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

New Dwelling

132a Queens Parade  
East

Newport

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## Statement of Environmental Effects

### New Dwelling

### 132a Queens Parade East, Newport

Prepared under instructions from

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## 1 Introduction

This statement has been prepared on behalf of the owners as part of the supporting documentation for a Development Application proposing the demolition of the existing dwelling and the construction of a new dwelling. Some existing footings and foundations of the existing structure 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 proposal is also reflective of feedback provided by Council at a pre-lodgement meeting (PLM2020/0186). In particular, the roof terrace has been reduced in size to ensure an appropriate privacy outcome is achieved to neighbouring dwellings and that it is not intended for entertaining but rather for the enjoyment of the outlook.

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

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

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

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

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.

- The proposed dwelling is compatible with the desired future character of the Newport locality.
- The proposed dwelling will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

## 2 Site Analysis

### 2.1 Site Description and Location

#### 2.1.1 The Site

The application relates to Lot 1, in DP 395093, 132a Queens Parade East, Newport. A location map is included as **Figure 1**.



*Figure 1: Site Location (Source: Six Maps)*

Number 132a Queens Parade East is a rectangular shaped allotment comprising a total site area of 557.5m<sup>2</sup> with a primary frontage of 18.29m and a depth of 38.44m. The site is currently occupied by a one and two storey dwelling with a detached brick garage. The dwelling is situated in an informal landscape setting with several tree on or adjacent to the site. The trees on site are not natives and can be removed without approval. The topography of the site slopes down reasonably gently from street level and has a cross fall from east to west.





**Figure 2: Existing Frontage**

### 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, Bungun 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.*

### **2.1.3 Zoning and Key Environmental Considerations**

The site is zoned C4 Environmental Living Medium pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5;

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

### 3 Description of Proposed Development

#### 3.1 Details of the Proposed Development

This application proposes a new dwelling which will retain some of the existing foundations and footings. The existing dwelling and garage will be demolished. Specifically, the works include:

##### Level 1

- New driveway utilising the existing crossover providing access to a double car garage
- This level includes a guest bedroom with ensuite, rumpus which leads out to the entertaining deck and pool, office/gym, bathroom and powder room

##### Level 2

- Kitchen, dining and living rooms are proposed on this level. These spaces provide access to a rear facing deck. Bathroom, bedroom and laundry also on this level.

##### Master Suite level

- Master bedroom with ensuite
- Roof deck with a non-trafficable roof garden surrounding. The deck is accessed via a glazed canopy door.

A landscape plan and stormwater management plans also accompany this application.

## 4 Statutory Planning Framework

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

### 4.1 Pittwater Local Environmental Plan 2014

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

#### 4.1.1 Zoning and Permissibility

As previously noted the site is zoned 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 dwelling which is respectful of the existing local environment and its values. The dwelling provided is a high quality design that utilises landscaping to the built form to soften its impact and to better integrate with the landform.

#### 4.1.2 Height of Buildings

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

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

*(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

*(c) to minimise any overshadowing of neighbouring properties,*

*(d) to allow for the reasonable sharing of views,*

*(e) to encourage buildings that are designed to respond sensitively to the natural topography,*

*(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The development does minorly encroach above the 8.5m height limit and a clause 4.6 request to vary the development standard have been provided as an annexure to this report.

#### **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.

## **4.2 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
<b>Section B: General Controls</b>			
<b>Preservation of Trees and Vegetation</b>  <b>B4.22</b>	<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>	No prescribed trees to be removed.	Yes



Control	Requirement	Proposed	Compliance
	<p>To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>		
<b>Stormwater</b> <b>B5.15</b>	<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>	Stormwater management plans have been provided with this application.	Yes
<b>Off-Street Vehicle Parking Requirements</b>	2 Spaces	The development proposes the retention of the existing crossover with a new driveway and turning area. The development will provide a 2	Yes

Control	Requirement	Proposed	Compliance
<b>B6.3</b>		car garage which is consistent with the car parking requirements.	
<b>Construction and Demolition - Waste Minimisation</b> <b>B8.3</b>	Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	<p>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.</p> <p>The construction will dispose of materials appropriately or reused/recycled where reasonable to do so.</p>	Yes
<b>Landscaping</b> <b>C1.1</b>	<p>A built form softened and complemented by landscaping. (En)</p> <p>Landscaping reflects the scale and form of development. (En)</p> <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</p>	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 contributing positively to the local biodiversity.	Yes

Control	Requirement	Proposed	Compliance
	<p>native tree canopy. (En)</p> <p>Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)</p> <p>Landscaping enhances habitat and amenity value. (En, S)</p> <p>Landscaping results in reduced risk of landslip. (En, Ec)</p> <p>Landscaping results in low watering requirement</p>		
<b>Safety and Security</b>  <b>C1.2</b>	<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</p>	<p>The development allows for adequate safety and security for the future occupants. Casual surveillance of the street can be achieved. Each dwelling will have a clearly defined entryway that will be adequately illuminated.</p>	Yes

Control	Requirement	Proposed	Compliance
	through Environmental Design (CPTED), its principle strategies and legislative requirements		
<b>View Sharing</b> <b>C1.3</b>	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 property to the west of the site does not access any views across the site towards the water by virtue of the topography. No views are achieved from properties opposite Queens Parade East.</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
<b>Solar Access</b> <b>C1.4</b>	<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</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 property to the south in mid winter.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>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><b>Visual Privacy</b></p> <p><b>C1.5</b></p>	<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 and incorporating predominately highlight windows.</p> <p>The proposed roof terrace has been centrally positioned in the dwelling and will be surrounded by a roof garden providing additional privacy screening to this level.</p> <p>We note that this deck is intended to be used as part of the master suite to enjoy the view towards Newport Beach. The deck is of a modest size and will have significant spatial separation from the adjoining properties. The elevation drawings show that the house to the west sits below the subject site. The centrally located deck ensures there is no ability to be looking down into the western neighbour.</p> <p>The deck is not intended to be used as an entertaining space but for the quiet enjoyment of</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
		<p>the occupants. The deck is associated with the new master suite level and intended for more passive activities.</p> <p>The house to the east is a fairly recent build and does not include any windows that would be a risk to privacy for those occupants. The additional screening provided by the proposed landscape planting will ensure high levels of visual privacy area</p> <p>The proposal satisfies this control.</p>	
<b>Acoustic Privacy</b>  <b>C1.6</b>	<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 communal or private open space areas</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
<b>Private Open Space</b>  <b>C1.7</b>	<p>Dwellings are provided with a private, usable and well-located area of private open space</p>	<p>The proposal does provide for ample private open space areas in excess of the requirements.</p>	Yes



Control	Requirement	Proposed	Compliance
	<p>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>		
<b>Waste and Recycling Facilities</b>  <b>C1.12</b>	<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
<b>Swimming Pool Safety</b>  <b>C1.17</b>	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the	Can be achieved	Yes

Control	Requirement	Proposed	Compliance
	Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.		
<b>Section D: Locality Specific Development Controls</b>			
<b>Character as viewed from a public place</b>  <b>D10.1</b>	<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 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</p>	<p>The proposed development is consistent with the desired future character of the local area. The dwelling will present as a 2 storey dwelling with a lower level storage non-habitable space towards the rear of the dwelling where the land starts to fall away.</p> <p>The area is characterised with predominately 2 storey dwelling within informal landscaped settings. In this regard the proposal would not be considered excessive in bulk and scale considering its context with surrounding development. In particular the proposal would not look out of place in comparison to the adjoining property to the east.</p> <p>A range of materials and finishes couple with appropriate articulation of the facades create visual interest with the proposal and minimises bulk and scale.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>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>It is considered that the proposal is consistent with the desired future character of Newport.</p>	
<p><b>Building colours and materials</b></p> <p><b>D10.4</b></p>	<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>To provide attractive building facades which establish identity and contribute to the streetscape.</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>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<b>Front Building Line</b> <b>D10.7</b>	Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.	The front setback is measured at 6.5m at its closest point. This setback aligns with the adjoining properties as well as meeting the 6.5m control.	Yes
<b>Side and Rear Building Line</b> <b>D12.8</b>	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.	1.525m to the eastern side boundary  3.3m – 3.47m to the western boundary	Yes
	6.5 metre rear building line.	<p>The eastern side of the dwelling has a rear setback of 6.1m which maintains the existing setback. The existing footings and slab are to be retained with the development. The rear setback increases towards the western side of the dwelling to 10.95m.</p> <p>On balance the varying rear setback is reasonable and still achieves a minimisation of bulk and scale with its articulated rear façade, ample area to facilitate landscaping and does not result in any unreasonable amenity impacts.</p>	No -  Worthy on merit

Control	Requirement	Proposed	Compliance
<b>Building envelope</b>  <b>D10.11</b>	<p>To achieve the desired future character of the Locality. (S)</p> <p>To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</p> <p>To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</p> <p>The bulk and scale of the built form is minimised. (En, S)</p> <p>Equitable preservation of views and vistas to and/or from public/private places. (S)</p> <p>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)</p>	<p>The dwelling will encroach within the building envelope most notably on the eastern elevation. The breach is considered minor and not considered unreasonable in bulk and scale given what was approved on the adjoining property to the east. When viewed in context with the adjoining development it would be challenging to be considered excessive in bulk and scale with the minor breach in comparison.</p> <p>The envelope breach does not result in any amenity impacts with regard to privacy, views or overshadowing.</p> <p>There may be minor breaches to the envelope to the western boundary however is considered reasonable given the generous setbacks and highly articulated presentation. Much of the dwellings massing is to the east where bulk and scale impacts are not as pronounced due to the scale of the adjoining development.</p>	No - worthy on merit

Control	Requirement	Proposed	Compliance
	Vegetation is retained and enhanced to visually reduce the built form		
<b>Landscaped Area</b> <b>D10.12</b>	Total Landscaped Area is 60% of the total site area.	426m <sup>2</sup> or 60.6% soft landscaping is achieved.	Yes

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

Clause 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 dwelling will not be able to be readily visible 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 (Building Sustainability Index: BASIX) 2004**

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

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

#### **4.5 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 garage proposed. Existing crossover retained.

*Public Domain*

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

*Utilities*

Existing utility services will continue to service the dwelling house.

*Flora and Fauna*

N/A

*Waste Collection*

Normal domestic waste collection applies to the existing dwelling house.

*Natural hazards*

N/A

*Economic Impact in the locality*

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

### *Site Design and Internal Design*

i) *Is the development design sensitive to environmental considerations and site attributes including:*

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

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

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

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

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

### *Construction*

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

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

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

### **(c) The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

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

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

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

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

### **(e) The public interest**

The architect has responded to the client brief to provide for a dwelling 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.

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 dwelling is considered to be of high architectural merit and contextually appropriate within the Newport Locality. The works are generally consistent with the planning controls with the minor variation to the height standard considered worthy of support, as outlined in the clause 4.6 request provided.

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

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the locality.
- The proposed dwelling 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.