



# Statement of Environmental Effects

**PROJECT:** DEMOLITION OF EXISTING HOUSE &  
CONSTRUCTION OF A NEW DWELLING &  
RETAINING WALL

**LOCATION:** LOT 76 DP 661007  
26 CALVERT PARADE,  
NEWPORT NSW 2106

**APPLICANT:** ANNE-MARIE MOORE & MALCOM BULLEN  
C/O MONTGOMERY HOMES  
PO BOX 480 BELMONT NSW 2280

## INTRODUCTION

This Statement of Environmental Effects has been prepared by Montgomery Homes to accompany a Development Application for the demolition of an existing 2 storey dwelling house and construction of a new double storey dwelling house and associated works located at **26 Calvert Parade Newport NSW 2106**.

This document has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure's (now DPE) *Guide to the Environmental Planning & Assessment Act 1979* (s4.15).

This SoEE has been prepared pursuant to the *Environmental Planning and Assessment Act 1979* (s4.12 (9)) and accompanying regulation. The objectives of this SoEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and,
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

The completed Development Application consists of the following items (if these items have not been received please contact Montgomery Homes directly).

Item	Prepared by
Arborist Report	Abacus Tree Services
BASIX Certificate	BSA
Cost Summary Report	Montgomery Homes
Development Plans	Montgomery Homes
External Colour Schedule	Montgomery Homes
Landscape Plans	ATC
Notification Plans	Montgomery Homes
Owners Consent	Montgomery Homes
Statement of Environmental Effects	Montgomery Homes
Stormwater Plans	ALW Design
Survey Plan	TSS Surveying
Sydney Water Stamped Plan	Sydney Water
Waste Management Plan	Montgomery Homes

## PROPERTY DESCRIPTION

<b>Address</b>	Lot 76 DP 661007 26 Calvert Parade Newport NSW 2106
<b>Owner Details</b>	Anne-Marie Moore & Malcom Bullen PO BOX 480 Belmont NSW 2280
<b>Zoning</b>	E4 Environmental Living
<b>Property Dimensions</b>	703.4m <sup>2</sup>
<b>Existing Land Use &amp; Improvements</b>	Occupied Residential

## LAND USE AND ZONING

The site was zoned E4 Environmental Living. The lot has a lawful dwelling entitlement. The proposed dwelling house is a permissible use within the zone.

## EXISTING IMPROVEMENTS

The site is occupied by a split level weatherboard residence. The existing dwelling is proposed for demolition under this application.

## SERVICES

Sewer, water, power, telephone and storm water are available to the site for connection as per historic land use as residential.



## TOPOGRAPHY AND VEGETATION

The subject site is naturally flat with a slight slope towards the street frontage facing Stanley Street. The site has no trees onsite. The site has a number of trees/ vegetation onsite, but no tree on the property is subject for removal. One (1) Broad Leaved Paperbark street tree on Calvert Parade will be subject for removal, subject to development consent. An arborist report has been commissioned to address the requirements under Section B4.22 of the Pittwater DCP, other relevant Environmental Planning Instruments (EPI'S) and the impacts of the tree to the development.

## SITE CONTEXT AND NEIGHBOURING DEVELOPMENT

The allotment is bounded by established low scale residential dwellings displaying a diversity of building forms. One and two storey residential dwellings are the predominate development in the setting, interspersed by a number of dual occupancy development.

The locality's urbanised form, upon sloping allotments has resulted in sites being strongly leveraged in some instances. Many premises in the locality display alterations and additions as well as contemporary infill outcomes. There is a wide variety of styles, ages, construction materials and conditions in the surrounding streetscape showing the changing state of the area to larger residences.

## ACCESS

Site access will be achievable off a newly created driveway onto Calvert Parade. The existing driveway will be removed and rehabilitated to a standard satisfactory to council. The design of the house has necessitated the relocation of the existing driveway from one side of the site. The relocation of the driveway unfortunately requires the removal of 1 Broad Leaved Paperbark. The attached arborist reports address these requirements of council for tree removal and protection, and should be read in conjunction to this report.

## DESCRIPTION OF PROPOSED DEVELOPMENT

### PROPOSED DEVELOPMENT WORKS

The proposed development is for the demolition of an existing dwelling & construction of a new double storey dwelling. The existing secondary dwelling will not be associated with the proposed demolition and will remain. The upper floor contains four (4) bedrooms (master bedroom with ensuite) bathroom and rumpus.

The lower/ mid floor contains double car garage, home theatre, study, laundry, powder room, open plan kitchen, meals and family with access to rear alfresco.

Due to site constraints, the design of the house has necessitated the relocation of the existing driveway from one side of the house to the other at the owners increased expense. The relocation of the driveway unfortunately requires the removal of 1 Broad Leaved Paperbark. An arborist report has been prepared to support this application.

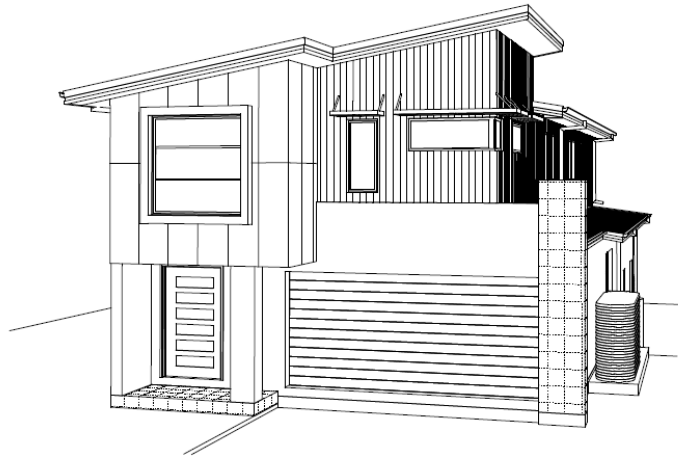
To compensate for the removal of said street tree, a replacement tree (*Melaleuca quinquenervia*) is proposed in addition to the proposed landscape plan. The replacement will be planted a minimum of 2m from the proposed driveway.

A landscape and stormwater management plan are provided to support this development application.

The proposal is consistent with the relevant planning provisions including the *Pittwater Local Environmental Plan 2014* and the objectives of the Pittwater 21 Development Control Plan. The proposal is characterised as a dwelling house which is permissible in the E4 Environmental Living and is consistent with the zone objectives as it is a low impact use that will have minimal impact on the environmental qualities of the area. The dwelling is modest in height at approximately 7.36m where 8.5m is permitted and is consistent with the building siting and objectives of the DCP.

The proposal seeks to provide high quality design and functionality in terms of layout and open space elements. The proposed development represents a good example of revitalization of infill development and is appropriate in scale when viewed in consideration against surrounding developments.





## STATUTORY PLANNING REQUIREMENTS

### Environmental Planning & Assessment Act 1979

The following details the proposal against the relevant heads of consideration in Section 4.15(1) of the EP&A Act as amended, namely:

- Environmental planning instruments (EPIs) that are in force, proposed or exhibited;
- Development control plans (DCPs);
- 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;
- The EP&A Regulations;
- Likely impacts to natural and built environments, society and economy;
- Suitability of the site for the proposed development; and
- Public interest

### Other Legislation

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Coal Mine Subsidence Compensation Act 2017*
- *Fisheries Management Act 1994*
- *Heritage Act 1994*
- *Mining Act 1992*
- *National Parks and Wildlife Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

After consideration of the above, it has been identified that the development will not be Integrated Development under the *EP&A Act 1979*.

## State Environmental Planning Policies

### State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management SEPP gives effect to the objectives of the *Coastal Management Act 2016* from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.

The subject site is mapped in an area known as a 'Coastal Use Area'.

The Coastal Use Area will include lands to which controls concerning urban design, location and scale will apply.

The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.

Under this SEPP, Clause 14 matters for consideration apply. Refer to the table below (**Table 1**).

**Table 1:** SEPP (Coastal Management) 2018 Coastal Use Area matters for consideration

SEPP – (Coastal Management) 2018 Clause 14 Coastal Use Area – Matters for consideration	Response
<b>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</b>	
(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,	The proposed development will not affect public access to and along the coastal foreshore.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The development contains generous setbacks which minimise impacts on shading and loss of amenity. The proposal will not impact views from public places or create wind funnelling impacts.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	It is unlikely that the proposed development will have a detrimental visual impact on scenic qualities of the area including the coast.

SEPP – (Coastal Management) 2018 Clause 14 Coastal Use Area – Matters for consideration	Response
(iv) <i>Aboriginal cultural heritage, practices and places,</i>	<p>A search of the NSW National Parks and Wildlife's Aboriginal Heritage and Information Management Service (AHIMS) database was undertaken in July 2021. The AHIMS search identified two (2) Aboriginal item in proximity to the site. This search covered an area of 200m from the subject site.</p> <p>The subject site is unlikely to contain said items, as the existing development is represented by a split level dwelling house within an established residential community.</p> <p>Due diligence will be upheld during any excavations works nonetheless.</p>
(v) <i>cultural and built environment heritage, and</i>	<p>Given the site has a history of disturbance and is a fully developed urban area, it is unlikely that the proposed development will have a significant impact on European heritage, archaeological or historic significance.</p>
(b) <i>is satisfied that:</i>	
(i) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<p>The proposed development will not impact on the coastal environment area and has shown to be consistent with the matters for consideration referred to in paragraph (a).</p>
(ii) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<p>No impacts have been determined from the proposed development and have shown to be consistent with the matters for consideration referred to in paragraph (a).</p>
(iii) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<p>No impacts have been determined from the proposed development and have shown to be consistent with the matters for consideration referred to in paragraph (a).</p>
(iv) <i>has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<p>The development is considered generally consistent with the controls of the DCP and applicable SEPPs. The proposed development of the site will continue to respect the natural scenic quality of the surrounding area.</p>

#### State Environmental Planning Policy No. 55 – Remediation of Land

The objectives of this SEPP are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- By specifying when consent is required, and when it is not required, for a remediation work.*
- By specifying certain considerations that are relevant in rezoning land and in determining Development Applications in general and Development Applications for consent to carry out a remediation work in particular.*
- By requiring that a remediation work meet certain standards and notification requirements.*

Under Clause 7(1) of the SEPP a consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated.
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

No notices or declarations have been issued for the site under the *Contaminated Land Management Act 1997*. As the contaminated land register did not identify the site as being contaminated, no further investigations are required.

The proposed development will not result in a change of use on the site, it proposes the demolition of the existing dwelling house for a new residential dwelling house and it is considered that clause 7(2) does not apply.

## LOCAL ENVIRONMENTAL PLAN

The site was zoned E4 under *Pittwater Local Environmental Plan 2014*. The proposed dwelling house is a permissible under the zone, subject to development approval. The proposed dwelling house is not only permissible under the zone, but supports the objectives of the zone by providing a low-impact development that will have minimal impacts on any ecological values. The development will adhere and promote the ecological values by the proposed landscaping and represent a newly created dwelling house that will benefit the existing aesthetic values of the area.

The proposal accords with Council's applicable LEP Maps in the following areas:

Subject Map	Requirement	Applicable
Height of Buildings	8.5m	7.36m
Minimum lot size	700m <sup>2</sup>	N/A
Acid Sulfate Soils	Class 5	Complies

## DEVELOPMENT CONTROL PLAN

The Pittwater 21 Development Control Plan applies to this site and sets out development standards for residential development upon the site. An analysis of the proposed development against the relevant sections of the DCP has been undertaken and appears below.

Any areas of non-compliance have been highlighted, and discussed in greater detail.

## General Controls

Control	Notes
Heritage	N/A
Density Controls	N/A
Hazard Controls	N/A
Controls Relating to the Natural Environment	<b>B4.22 Preservation of Trees and Bushland Vegetation</b> An arborist report on trees that come under the requirements of Northern Beaches Council (Pittwater DCP B4.22) & trees that will be affected by the proposed development has been prepared in support of this application. This report should be read in conjunction to this statement report.



	<p>There are three (3) trees that have been assessed within close proximity to the subject property identified as 26 Calvert Parade, Newport. This includes 1 Broad Leaved Paperbark on the road reserve within Calvert Parade, adjacent the subject property.</p> <p>The development will propose a driveway that will require the removal of this street tree. The removal of this tree will have negligible impact on either the condition, ecological value or significance of the fauna and flora on the land.</p> <p>The arborist report did not note any fauna habituating in this tree, and or is this tree species known to be vulnerable or endangered under the Biodiversity Conservation Act 2016 and or on land identified as "Biodiversity" as per Clause 7.6 of the Pittwater LEP 2014. A search of the NSW Office of Heritage &amp; Environment and Heritages Biodiversity Values Map revealed that the site does not have any high biodiversity value on the land. The site is also not heritage area. The tree is not considered to have significant value to the streetscape.</p> <p>Removal of this specific tree will not have an adverse impact on the important of the vegetation on the land (or nearby) and survival of fauna. This development is modest and does not require massive clearing that would otherwise be required under significant development.</p> <p>The submitted landscape plans provides adequate compensation in landscaping to the street that would also address B4.22 (6) where vegetation can be compensated and allow returned functionality of biodiversity structures. The applicant is in a position to plant additional trees as compensation on the condition of Council.</p> <p>There are no known 'significant adverse environmental impacts' that would occur by removing a species of tree that is known to be endemic to the site and is not registered as a species that is endangered and or vulnerable. The development is modest and has retained where appropriate and under the guidance of the support arborist report. Landscaping to the front of the site is provided to mitigate the offset of this tree.</p> <p>The proposal will not result in any unreasonable amenity or environmental impacts as detailed in the submitted reports. The proposed street tree removal is considered well managed, and will be compensated appropriately. Notwithstanding the proposed works represent a well- considered development that addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will maintain high levels of amenity within the development and to the surrounding context. The proposal seeks to make a positive contribution to the existing streetscape.</p> <p>The proposal enables a better environmental planning outcome as the development responds to the site setting, whilst achieving a quality architectural outcome within the built form context. An alternative driveway location would display limited or lesser architectural qualities to the streetscape.</p>
Water Management	<p>Stormwater will be managed by a 3,000L with stormwater runoff being directed to the existing kerb invert (on Stanley Street) as per the attached stormwater management plan.</p> <p>The proposed dwelling has been designed in consideration of sustainability principles and includes;</p> <ul style="list-style-type: none"> <li>• Rain water tanks (3,000L); and</li> <li>• BASIX certification</li> </ul>
Access & Parking	<p>A newly created driveway on Calvert Parade (4m wide) is proposed with the existing driveway on Stanley Street to be removed and rehabilitated to a natural state. The driveway is compliant with the Australian Standards (see driveway section). Two off-street parking spots will occur because of this development. The proposed development will incorporate a double car garage that will be integrated into the house design and has been setback a further 1m to minimise any visual dominance to the streetscape.</p> <p>Supporting reasons for the driveway to be relocated along Calvert Parade will ensure safer pedestrian movement along the southern boundary/ on the elevation of Stanley Street. Driveway access on Calvert Parade will allow stacked parking within the boundaries of the site, while stacked parking on Stanley Street would impact pedestrian movement and safety. The allotment restricts development due to its width, and driveway design and location has considers the above reasonable.</p>

Site Works Management	A demolition management plan is provided within the attached waste management plan. Sediment and erosion plans are provided with this application. All works proposed will be contained within the boundaries of the site.
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## Development Type Controls

Control	Notes
Landscaping	<p>A landscape Plan is provided with this application. The proposed landscape plan is consistent with the objectives and controls of this part of the DCP.</p> <p>The landscaping proposed shows that it will dominate the relevant street facades, softening the proposed dwelling. The proposed landscaping will be sympathetic and consistent with the existing scale and type of vegetation within the area.</p>
Safety and Security	<p>The development will enable adequate passive surveillance along both street frontages due to the windows arrangements proposed.</p> <p>The development will be able to achieve a defined boundary from public and private space due to the proposed footprint, and landscaping proposed.</p>
View Sharing	<p>The Land &amp; Environment Court has a well-established planning principle in respect of the assessment of impacts of development on views which was set out in <i>Tenacity Consulting v Warringah Council</i> (2004) NSWLEC 140 ("<i>Tenacity</i>"). If an application is made to a council for development which has the potential to impact on neighbouring views, then it is desirable that the council assess the impact on views in accordance with the 4 step process set out in <i>Tenacity</i>, including determining whether the impact is negligible, minor, moderate, severe or devastating.</p> <p><i>Tenacity</i> does not provide that anyone has a proprietary right to retain all or part of the views enjoyed (or capable of enjoyment) from their land. The Court specifically acknowledges that entire loss of a view in some cases (although a devastating impact) could be reasonable in the circumstances). Also the case is merely concerned with the planning decision, and does not deal with whether a landowner can enforce any right to a view against another landowner.</p> <p>That issue was dealt with by the High Court in <i>Victoria Park Racing &amp; Recreation Grounds Co Ltd v Taylor</i> [1937] HCA 45, which remains good law today. The High Court held that a property owner does not own the views (spectacles) from his or her land. Justice Dixon stated: "<i>I find difficulty in attaching any precise meaning to the phrase 'property in a spectacle'. A 'spectacle' cannot be 'owned' in any ordinary sense of that word.</i>"</p> <p>This position has been reinforced in several subsequent decisions of the Court and, as a legal principle, remains relatively unchanged. In <i>Robson v Leischke</i> [2008] NSWLEC 152, His Honour, Preston CJ, summarised the limited powers available to an aggrieved land owner when, at paragraph [86] of his judgment, he stated:</p> <p><i>...a defendant may erect a building or other structure such as a fence, or plant a tree on his or her land which interferes with the neighbour's enjoyment of their land. The building, structure or tree may...spoil the neighbour's view ...yet such interferences are not actionable as a nuisance.</i></p> <p>An aggrieved landowner may make submissions to the Council with respect to the anticipated view loss. However, the weight afforded to a submission must be balanced against many other considerations relevant to the assessment process pursuant to section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Nonetheless, the proposed development will have negligible impacts to its neighbouring properties.</p>
Solar Access	<p>The spatial separation between built forms enables solar access to be maintained to adjoining premises. Ample solar access can be achieved to the subject development throughout the day. Solar impacts are shown only to impact the street to the southern boundary. We submit that the proposal is appropriate in this regard. A shadow diagram is provided with this development application.</p>
Visual Privacy	<p>The development is not anticipated to have any future privacy implications to neighbouring properties. The development at the closest elevation (northern) to the side boundary has utilised a</p>

	combination of high still windows and room placement which will not be wholly occupied throughout the entire day.
Acoustic Privacy	The proposal is not subject to external sources of noise. Careful planning of private and living spaces within the home helps to ensure acoustic amenity.
Private Open Space	More than 80m <sup>2</sup> of private open space is achievable from the proposed development.

### Locality Specific Development Controls (Newport Locality)

Control	Notes
Building Character	<p>The proposed development will utilise the existing landform and responds accordingly by the proposed split level design. The development will have a maximum height of 7.36m and will not be out of scale to other neighbouring properties with no loss of amenity to these places.</p> <p>The front and side facades fronting the streetscape have been articulated through the use of porches and stepping of the walls and material combinations to offer relief and architectural interest along each façade.</p> <p>Landscaping has specifically addressed this section of the DCP where each street frontage will be addressed by said landscaping as shown on the attached landscape plan.</p>
Scenic Protection	The proposed development with landscaping will meet the intent of this section of the DCP. While one (1) street tree is proposed, one (1) replacement tree ( <i>Melaleuca quinquenervia</i> ) will be replanted. This will ensure no disruptions and or lasting impacts will occur to the existing streetscape and amenity. Planting of replacement tree will be requested to be enforced prior to the issue of the occupation certificate.
Building Colours & Materials	A Schedule of Materials with samples is provided with this development application.
Front Building Line	The site is situated on a corner allotment with dual frontages onto Calvert Parade and Stanley Street. The proposed dwelling house identifies Calvert Parade as the primary frontage with a setback greater than 6.5m. In this instance, where there is a secondary street, the minimum setback to a secondary street is half of the front building line requirement, which is 3.25m. Both the eastern (setback at 7.3m) and southern (setback at 3.2m) front building line setbacks are compliant.
Side & Rear Setback	The side building line at the northern boundary (lower floor) is proposed to be 1.1m. This setback is consistent with the development controls. The upper floor has been stepped in to meet compliance with the building envelop control and will be setback from the northern boundary by 2.4m. The rear setback achieves the compliance with this section of the control at 26m.
Building Envelope	<p>The proposed development will exceed the building envelope control along the northern elevation by a small margin. The narrow corner lot puts the development at a disadvantage where compliance must be met for side boundaries and articulation.</p> <p>Variation is sought in this regard where the development has addressed within reason of the constraints of the site and stepping in of the upper floor.</p> <p>The variation is a minor departure that will not have any impact on the environment, scenic quality of the area or the amenity of the adjoining allotments and locality. Noting also that the proposed side set backs are in excess of the DCP requirements creating addition space, light and ventilation.</p> <p>The bulk, scale, articulation, setbacks, and materials have been carefully considered to not only enhance the character of the surrounding locale, but to also alleviate any adverse impacts on the immediate neighbouring properties. Stepping in of the upper floor will reduce the overall development bulk and scale to its neighbouring property, reducing any overbearing features. The roof form has been considered in this design, and as a result has been chosen to further reduce the visual dominance that may occur due to exceeding the building envelope. A standard hipped roof would have caused further exceedances. The design has responded to the constraints of the site. The development otherwise will not be out of character and will assist in contributing to the amenity of the area.</p>

	<p>In consideration of the general overall compliance and the absence of any significant adverse impacts on the neighbouring properties and natural environment, the proposal can be viewed upon as permissible and a recommendation for its approval is sought.</p> <p>The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and the streetscape and results in improved amenity for the residents of the site. It is therefore an appropriate development worthy of Council consent.</p> <p>Further justification is provided under the relevant Section 4.15 'matters for consideration' section of this SoEE.</p>
Landscaped Area	<p>A maximum potential of 59% of landscape area is provided with this development (421.77m<sup>2</sup> to the total site area of 703.4m<sup>2</sup>). A landscape plan is also provided with this development application.</p> <p>The development is well considered to this control of the DCP, as the development is for modest development, and is not of the opinion that it is out of character of the area, allows for a high level of amenity and solar access that can be maintained. Allows further landscaping then that then already is present to the site, and can adequately show that the removal of one (1) street tree can be replaced by a similar advanced native species and stormwater can be well managed, as per the supporting engineer stormwater plan.</p> <p>The proposal enables a better environmental planning outcome as the development responds to the site setting, whilst achieving a quality architectural outcome within the built form context. An alternative driveway location would display limited or lesser architectural qualities to the streetscape and can be described to have safety implications to pedestrian movement (refer back to Controls Relating to the Natural Environment).</p>
Retaining Walls	<p>A retaining wall (maximum 1m) located along part of the southern boundary will form part of the landscaping of the site and be used to contained the required earthworks for the dwelling house. An additional retaining wall (max 900mm) will also be constructed near the garage to contain the required earthworks at on the eastern elevation due in course of the sites topography at this part of the lot.</p>
Excavation & Landfill	<p>Due to the sites topography, earthworks for cut and fill will be required to ensure a suitable foundation for the proposed development.</p> <p>No works (cut or fill) will exceed 1m and will predominately occur on the eastern elevation. The development responds to the land and proposed works with implementing dropped edged beams, integrated and eternal retaining walls and a stepping of the development to a split design. This will ensure all works are contained within the site and construction footprint.</p> <p>Necessary erosion and sediment control fencing will be installed prior and during construction.</p>
Demolition & Construction	<p>The existing dwelling is subject for demolition. All demolition works are to comply with the <i>relevant Australian Standard. Australian Standard AS 2601-2001 'Demolition of Structures'</i> at this time of writing.</p> <p>Should any asbestos be present onsite, then the applicable Code of Practice for the Safe Removal of Asbestos shall apply. It is requested that this be put as a condition of consent to ensure compliance with these requirements are put in place during the construction/ demolition period. Please refer to the attached/ supporting Waste Management Plan for further details.</p> <p>Pool protection during construction will be installed prior to construction with relevant fencing and cover over pool during the extent of construction.</p>
Waste Management	<p>Please refer to the attached Waste Management Plan for further details.</p>
Conservation of Energy and Water	<p>The proposed dwelling has been designed in consideration of sustainability principles and includes;</p> <ul style="list-style-type: none"> <li>• Rain water tanks (3,000L); and</li> <li>• BASIX certification</li> </ul>

#### **SECTION 4.15 (EP&A Act)**

The proposed development has been assessed in consideration of the heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1997.

#### **THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT (EPI)**

The proposed works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works given the constraints imposed by topography.

#### **THE PROVISION OF ANY DRAFT EPI**

There is no Draft LEP that are relevant to the site.

#### **ANY DEVELOPMENT CONTROL PLAN**

Refer to Statutory Planning Requirements for a detailed discussion of compliance with the relevant DCP.

#### **ANY MATTERS PRESCRIBED BY THE REGULATIONS**

There are no other matters applicable to this application

#### **LIKELY IMPACTS OF THE DEVELOPMENT**

##### **Context and siting**

The proposal is consistent with the surrounding residential environment, and respects the constraints both upon the site and in the immediate context. The proposed development will add to the quality and variety of existing building stock in the local area.

The height and scale of the proposed works will be entirely commensurate with that established within the sites visual catchment with no unacceptable residential amenity impacts in terms of visual bulk, views, privacy or overshadowing.

##### **Public Domain**

The proposal will not impact upon the public domain, other than to enhance the quality of the existing street scape and quality of building stock within the area.

##### **Utilities**

The proposal will connect with existing utility services within the area. The proposal will not place undue demands upon the available capacity of utility services in the area.

##### **Social and Economic Impact in the Locality**

The proposal will provide a new high quality family home within the area. Construction of the home will help to sustain construction jobs in the region, whilst occupation of the home will likely result in increased personal spending within the local area, helping to sustain local businesses.

The proposed development will not have any significant negative impact on economic factors within the area notwithstanding that it will generate short term employment opportunities through the construction period of the development.

##### **Site Design and Internal Design**

The site is ideally suited to the proposed development, having been designed and zoned specifically for the purpose. The proposal has been design to suit the site, its topography and constraints. The proposed development can 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 future occupants.

### **Cumulative Impacts**

The proposal is consistent with a residential environment, and will work to cohesively enhance the streetscape and quality of building stock in the area. Cumulative impacts are likely to be positive as a result of this form of development.

### **SITE SUITABILITY**

The site is ideally suited to the proposed development, and accordingly the proposal has been carefully designed to reflect the site attributes. The development is consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191 where it has been formed and considered in opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in a streetscape context nor having regard to the built form characteristics of development within the site's visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.

### **SUBMISSIONS**

The applicant has not received any representations of interested parties with regard to the proposal. The Consent Authority will need to consider any submissions received as a result of notification.

### **THE PUBLIC INTEREST**

We are not aware of any relevant issues in the public interest, which would relate to this development. The provision of new, quality, compliant housing within a zoned residential environment could unlikely be seen as anything other than a public benefit.

The proposed works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works given the topography of the land. The development would not be contrary to the public interest.

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## **CONCLUSION**

The proposal has been assessed against the requirements of Section 4.15(1) of the Act, the *Pittwater Local Environmental Plan 2014* as well as the Pittwater Development Control Plan 2014.

The proposal involves a contemporary inspired design that is appropriately setback from the site edges to maximise light, ventilation and openness. The proposal is located and configured to complement the property's established neighbourhood character without any significant changes or impacts on the existing development character or neighbouring amenity.

The building envelope variation proposed to the DCP controls have been appropriately acknowledged and its acceptability assessed and considered, having regard to the objectives of the relevant controls and the circumstances of the case. The request to remove the identified street tree are considered well-sounded with compensation/ replacement happily proposed.

Such variations are possible 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.



It has been demonstrated that the proposal is mainly in accordance with the Aims, Objectives and Provisions of these controls. We believe council can accept the minor variation to the building envelope variation due to the minor encroachment and the low impact it will have along the existing streetscape. This report demonstrates that the variation will not give rise to any unacceptable residential amenity or streetscape consequences.

The proposed dwelling will increase the quality and variety of housing stock in the local area. Through careful design, the proposal will have a negligible environmental impact on its surrounds and will enhance the appeal of the streetscape.

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.

We recommend the application to council for approval.

## WASTE MANAGEMENT PLAN – CONSTRUCTION

	Reuse	Recycling	Disposal	
Type of Waste generated	Estimate Volume or weight M <sup>3</sup>	Estimate Volume or Weight	Estimate Volume or weight M <sup>3</sup>	Specify method of Onsite reuse, contractor and recycling outlet and /or waste depot to be used
Excavation Material	26.6m <sup>3</sup>		68.6m <sup>3</sup>	Approved fill site
Timber			0.25	Tip
Concrete				
Bricks		0.5		Crushing Plant
Tiles		0.5		Crushing Plant
Metal				
Glass				
Plasterboard		0.15		Reclaimed by supplier
Fixtures and fittings				
Floor Covering				
Packaging				
Garden Organics			0	
Containers				
Paper / Cardboard				
Residual Waste			2.0	Tip (General waste, packaging, other offcuts etc)
Hazardous Specify Eg. Asbestos				

## WASTE MANAGEMENT PLAN – DEMOLITION

	Reuse	Recycling	Disposal	
Type of Waste generated	Estimate Volume or weight M <sup>3</sup>	Estimate Volume or Weight	Estimate Volume or weight M <sup>3</sup>	Specify method of Onsite reuse, contractor and recycling outlet and /or waste depot to be used
Concrete		40m <sup>3</sup>		Concrete Recyclers
Bricks		40m <sup>3</sup>		Concrete Recyclers
Roof Tiles		10m <sup>3</sup>		Concrete Recyclers
Metal		10m <sup>3</sup>		TBD
Asbestos			TBD	Accredited removalist TBD
Mixed Waste			120m <sup>3</sup>	Local Waste Centre

All demolition work will be accordance with AS2601-2001

**Demolition works to be completed at 26 Calvert Parade, Newport shall comply with the provisions of AS2601:2001 – The demolition of Structures.**

### PROCEDURE:

- Location & disconnection of services.
- Exclusion zone to be established.
- Use machinery to remove all floor surfaces.
- Use machinery to remove buildings.
- Machinery will be used to push/pull down brickwork.
- Machinery will be used to perform site strip, demolish retaining walls, rock walls and tree stumps.
- Debris will be loaded on to trucks with excavator.
- Debris will be disposed of at a licensed waste facility, any material that can be recycled e.g concrete, metal will go to the appropriate recycle plant.
- The demolition has at time frame of approximately one week.
- All persons working within the exclusion zone are supplied with appropriate PPE, have been inducted into the site & will carry out works as per the SWMS on site.
- The exclusion zone is no less than four metres from the demolition area & is fenced with safety fencing.