

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF MINOR ALTERATIONS TO AN
EXISTING DWELLING AND INCLUDING THE CONSTRUCTION OF
A NEW SWIMMING POOL**

LOCATED AT

4 YACHTSMANS PARADISE, NEWPORT

FOR

KERRIE FUSSELL

**Prepared
July 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Peter Formosa, Sheets 1 & 2, dated 3 July 2019 on behalf of Kerrie Fussell to detail the proposed construction of minor alterations to an existing dwelling and including a new swimming pool at **4 Yachtsmans Paradise, Newport**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

2.0 Property Description

The subject allotment is described as No. 4 Yachtsmans Paradise, Newport, being Lot 28 within Deposited Plan 223779. The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site does not contain any heritage items, nor is it within a conservation zone.

The site is identified within the Acid Sulfate Soils Class 3 & 5 Area. This matter will be discussed in further detail within this report.

The site is identified as Low and Medium Flood Risk. Accordingly, a Flood Risk Management Report has been prepared by Donovan Associates, Reference No. E307101, dated 5 September 2018, and accompanies this submission.

The site is noted as being within a coastal zone. This will be addressed in further detail within this report with reference to *State Environmental Planning Policy (Coastal Management) 2018*.

The site is noted as being within biodiversity zone, and this will be discussed in further detail within the report.

3.0 Site Description

The property is located on the northern side of Yachtsmans Paradise. The site is irregular in shape, with a primary frontage to Yachtsmans Paradise of 24.385m, south-eastern and north-western side boundaries of 30.50m and 37.88m respectively. The rear boundary measures 18.595m. The total site area is 730.8m².

Stormwater from the site is directed to the stormwater easement at the rear of the site.

The site is currently developed with a two-storey dwelling with a metal roof. Vehicular access is currently available to the site from Yachtsmans Paradise via an existing concrete driveway, with parking available within an attached double garage.

The details of the site are included on the survey plan prepared by ATS Land & Engineering Surveyors Pty Ltd, Reference No. 10539-00, dated 2 October 2018, which accompanies the DA submission.



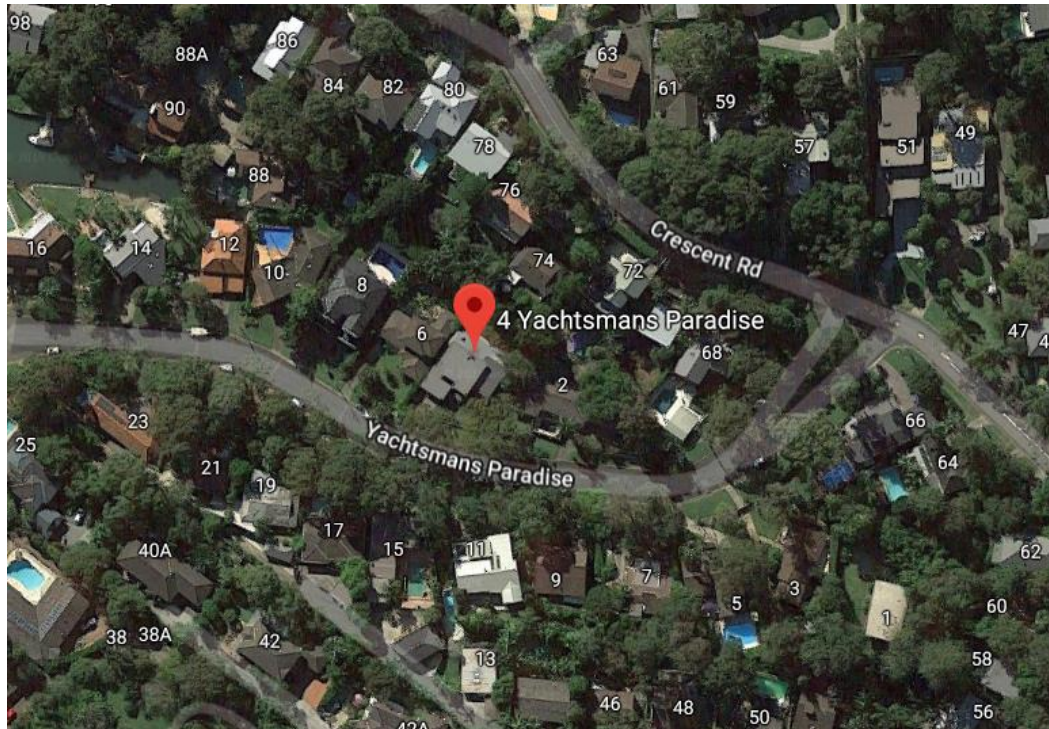
Fig 1: Location of subject site
(Source: Google Maps)

4.0 The Surrounding Environment

The general vicinity of the site is characterised by low and medium density residential development of typically one and two storeys in a landscaped setting.

The area is undergoing change and renewal, with newer, larger contemporary dwellings being constructed in the immediate vicinity.

It is not uncommon for properties within this area to have a swimming pool in their rear yard.



**Fig 2: Aerial view of locality
(Source: Google Maps)**

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the construction of a new swimming pool and minor alterations to the rear of the dwelling.

The proposal provides for the construction of a new in ground swimming pool, and new works to the existing deck including a new BBQ unit with sink and new timber step.

A new timber stud privacy screen wall and with louvres above is to be provided to match the existing dwelling.

The existing step to the decking will be removed to provide further landscaped area.

The existing plantings throughout the site will be retained and can be further supplemented as required.

The development indices for the development are summarised as:

Site Area	756.4m ²
Landscaped Area Required:	50% or 378.2m ²
Landscape Area Existing:	40.8% or 308.72m ²
Landscape Area Proposed:	44.5% or 336.94m ² (inclusive of 6% allowance for functional open space)

6.0 Zoning and Development Controls

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX, as the pool has been designed to be less than 40KL and the minor alterations do not constitute BASIX affected development. A BASIX certificate is not required for this development application.

6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site has been identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development. A minor portion of the site is within the Coastal Environment Area as indicated in the following figure:

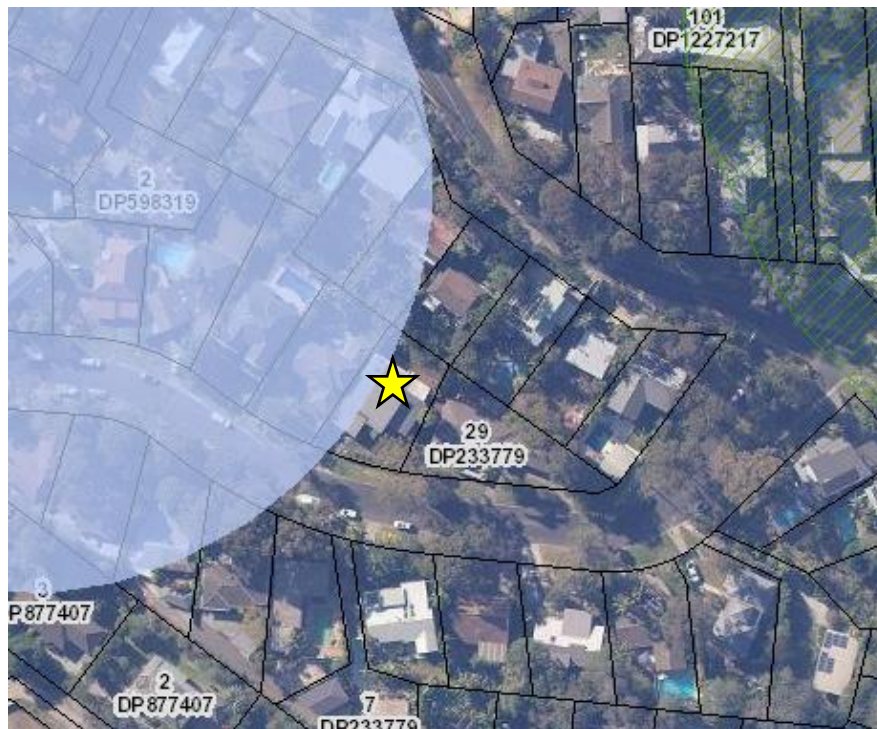


Fig 3: SEPP (Coastal Management) 2018 Mapping

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated 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.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*

- (m) to support the objects of the Marine Estate Management Act 2016.

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 3 of SEPP (Coastal Management) 2018 are:

13 Development on land within the coastal environment area

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.

- (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 proposal provides for the construction of a new swimming pool. The proposal will maintain a generous proportion of the site as pervious surfaces. Stormwater from the site will be suitably managed and the proposal will not result in any adverse impacts in terms of runoff or water quality. The proposal will not require the removal of any significant vegetation. The site is well separated from the Pittwater waterway, and will not see any change to any public foreshore access.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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 proposal provides for the construction of a new swimming pool and minor alterations to the rear of the dwelling. The proposed new works are largely contained within the proximity of the existing building and do not require significant disturbance to the site and are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

The assessment has concluded that the proposed development is consistent with the matters for consideration under the SEPP (Coastal Management) 2018.

6.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Pittwater Local Environmental Plan 2014.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

6.5 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone Objectives and Land Use Table

The subject site is zoned R2 Low Density Residential under the Pittwater LEP 2014.

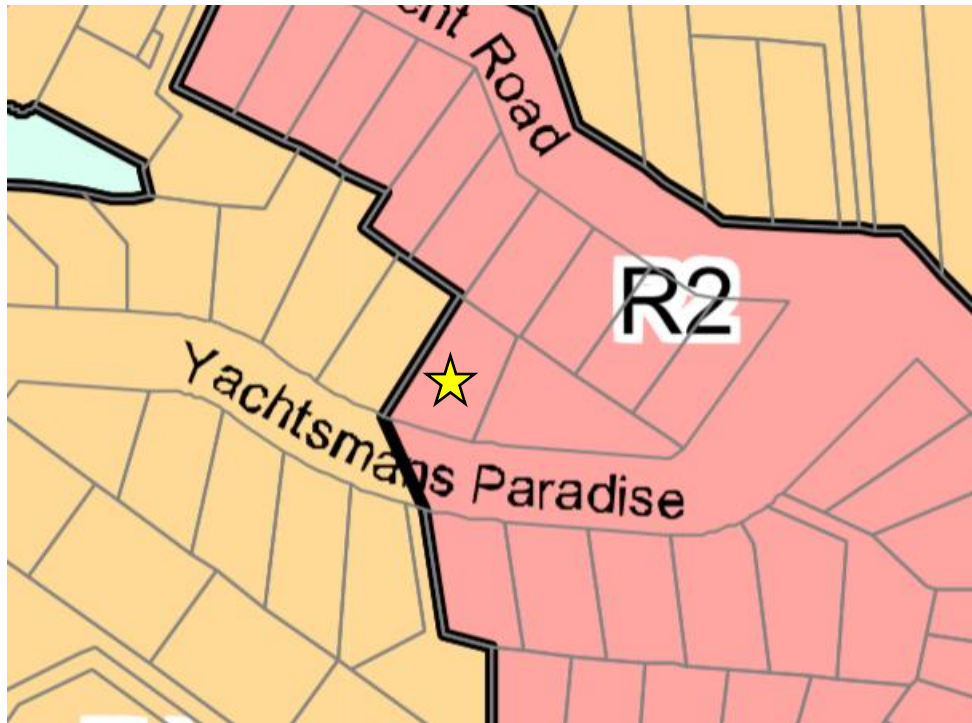


Fig 4: Extract of Pittwater Local Environmental Plan 2014

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

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

It is considered that the proposed alterations and additions to the existing dwelling and construction of a new swimming pool will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposed minor alterations to the existing dwelling and construction of a new pool will be consistent with and complement the existing detached style housing within the locality.

- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The proposed new works will not have any substantial impact to the neighbouring properties.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – Height of Buildings

The maximum building height in this portion of Newport is 8.5m.

The proposal will not see any change to the existing ridge line of the dwelling. The new wall and louvre windows will have a maximum height of 3.9m and therefore comply with this control. The proposed coping of the new swimming pool is level with the existing ground.

Clause 7.1 – Acid sulfate soils

The site has been identified on the Acid Sulfate Soils map as being with the Class 3 & 5 Area. The proposal will require some minor excavation of the site to accommodate the proposed swimming pool. The minor nature of the works will not see any substantial change to the water table and no further investigation is deemed necessary in this instance. Any acid sulfate soils disturbed during the building works will be disposed of under the instructions of the Consulting Structural Engineer.

Clause 7.2 – Earthworks

The proposal will not require any significant excavation of the site. All works will be carried out under the supervision of the consulting Structural Engineer and therefore satisfy the provisions of this clause.

Clause 7.3 – Flood planning

The site is identified as Low and Medium Flood Risk. Accordingly, a Flood Risk Management Report has been prepared by Donovan Associates, Reference No. E307101, dated 5 September 2018, and accompanies this submission.

Subject to compliance with the recommendations contained within the report, the proposal will comply with Council's requirements.

Clause 7.6 – Biodiversity protection

The proposed pool is located within an existing disturbed portion of the site and will not require the removal of any significant vegetation. The proposal is considered to be in keeping with Council's biodiversity objectives.

There are no other provisions of the Pittwater LEP 2014 that are relevant to the proposed works.

6.6 Pittwater 21 Development Control Plan 2014

Council's Pittwater 21 DCP Section B (General Controls), Section Part C (Development Type Controls) and Section D Newport Locality Statement provides a range of outcomes and controls which form the primary criteria for the control for development within the subject locality.

6.6.1 Shaping Development – Desired Character

The desired outcomes for the Newport Locality, in which this site falls, are as follows:

A4.10 Newport Locality

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, verandahs 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.

It is considered that the proposal is consistent with the desired character of the locality by providing for the construction of a new swimming pool, together with minor alterations to the existing dwelling.

The proposal will not require the removal of any significant vegetation. The available area of soft landscaping will remain largely unchanged.

The building materials and colours will harmonise with the natural environment and will not detract from the existing locality.

6.6.2 Section B General Controls

The General Controls applicable to the proposed additions and alterations are summarised as:

B3.11 Flood Prone Land

The controls seek to achieve the outcomes:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

The site is identified as Low and Medium Flood Risk. Accordingly, a Flood Risk Management Report has been prepared by Donovan Associates, Reference No. E307101, dated 5 September 2018, and accompanies this submission.

Subject to compliance with the recommendations contained within the report, the proposal will comply with the provisions of this clause.

B3.13 Flood Hazard – Flood Emergency Response Planning

The controls seek to achieve the outcomes:

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

As discussed above, a Flood Risk Management Report has been prepared by Donovan Associates, Reference No. E307101, dated 5 September 2018, and accompanies this submission.

Subject to compliance with the recommendations contained within the report, the proposal will comply with the provisions of this clause.

B4.6 Wildlife Corridors

The controls seek to achieve the outcomes:

Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats. (En)

The proposal will not see the loss of any significant vegetation, and will not see any substantial change to the available area of soft landscaping. The proposal is therefore considered to be in keeping with the provisions of this clause and will not result in any adverse impacts for nearby wildlife corridors.

B5.9 Stormwater Management – Water Quality – Other than Low Density Residential

The controls seek to achieve the outcomes:

No increase in pollutants discharged with stormwater into the environment. (En)
Development is compatible with Water Sensitive Urban Design principles. (En)

The requirements outlined in the controls seek to limit the extent and quality of stormwater runoff to the local area.

The proposal will not see any substantial change to the existing impervious area of the site, and the existing stormwater arrangements will remain unchanged. The water quality of runoff from the site will remain unchanged.

B5.12 Stormwater Drainage Systems and Natural Watercourses

The controls seek to achieve the outcomes:

The integrity of stormwater drainage systems, easements and natural watercourses are maintained. (En)
Stormwater flows including overland flow have continuity and are not impeded. (En)

The proposal will not see any substantial change to the existing impervious area of the site. The existing stormwater arrangements will remain unchanged.

B6.1 Access driveways and works on the Public Road Reserve

The controls seek to achieve the outcomes:

Safe and convenient access. (S)
Adverse visual impact of driveways is reduced. (En)
Pedestrian safety. (S)
An effective road drainage system. (En, S)
Maximise the retention of trees and native vegetation in the road reserve. (En, S)

The existing driveway and layback will be maintained.

B8.1 Construction and Demolition – Excavation and Landfill

The controls seek to achieve the outcomes:

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The proposal will require some minor excavation to accommodate the new swimming pool. The excavation will be limited and all works will be carried out under the supervision of the consulting Structural Engineer and therefore satisfy the provisions of this clause.

B8.2 Construction and Demolition – Erosion and Sediment Management

The controls seek to achieve the outcomes:

Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)

Reduction of waste throughout all phases of development. (En)

Public safety is ensured. (S)

Protection of the public domain. (S, En)

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways. Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site as required.

B8.3 Construction and Demolition – Waste Minimisation

The controls seek to achieve the following outcomes:

Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)

The construction works will seek to minimise waste by re-using material where possible or recycling appropriate materials. All construction waste will be removed from the site to an approved waste facility.

6.6.3 Section C Development Type Controls

The Development Type Controls applicable to the proposed development and are summarised as:

C1.1 Landscaping

The controls seek to achieve the outcomes:

- A built form softened and complemented by landscaping. (En)*
- Landscaping reflects the scale and form of development. (En)*
- Retention of canopy trees by encouraging the use of pier and beam footings. (En)*
- Development results in retention of existing native vegetation. (En)*
- Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*
- Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*
- Landscaping enhances habitat and amenity value. (En, S)*
- Landscaping results in reduced risk of landslip. (En, Ec)*
- Landscaping results in low watering requirement. (En)*

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The proposal will not require the removal of any significant trees, with the existing perimeter plantings to be retained.

The site will largely maintain the available area of soft landscaping.

C1.2 Safety and Security

The controls seek to achieve the outcomes:

- On-going safety and security of the Pittwater community. (S)*
- Opportunities for vandalism are minimised. (S, Ec)*
- Inform applicants of Council's requirements for crime and safety management for new development. (S)*
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*
- Identify crime and safety priority areas in Pittwater LGA (S, Ec)*
- Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*
- Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The existing and proposed habitable room windows will continue to observe the site's entry, maintaining suitable casual surveillance.

C1.3 View Sharing

The controls seek to achieve the outcomes:

A reasonable sharing of views amongst dwellings. (S)
Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)
Canopy trees take priority over views. (En, S)

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties.

The subject and surrounding properties currently enjoy district views to the south.

As the pool is at ground level there will be no unreasonable loss of views from neighbouring properties.

Equitable access to the available views and outlook for the neighbouring dwellings will therefore be maintained.

C1.4 Solar Access

The controls seek to achieve the outcomes:

Residential development is sited and designed to maximise solar access during mid-winter. (En)
A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)
Reduce usage and/dependence for artificial lighting. (En)

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The proposal is for an inground swimming pool and minor alterations to the existing dwelling and will therefore not have any impact on the solar access enjoyed by the subject and neighbouring dwellings.

C1.5 Visual Privacy

The controls seek to achieve the outcomes (over):

Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)
A sense of territory and safety is provided for residents. (S)

The proposed swimming pool is sited at existing ground level and is well set back from

neighbouring properties. The existing boundary fencing, together with the existing perimeter plantings, will minimise potential privacy impacts.

C1.6 Acoustic Privacy

The controls seek to achieve the outcomes:

Noise is substantially contained within each dwelling and noise from any communal or recreation areas are limited. (S)

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 recreation areas (S)

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

The swimming pool pump and filter will be stored in an acoustic enclosure. Given the residential nature of the works, no acoustic impacts are anticipated.

C1.7 Private Open Space

The controls seek to achieve the outcomes:

Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)

Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)

Private open space receives sufficient solar access and privacy (En, S).

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation. The works will maintain and enhance the existing open space areas, which are directly accessible from the internal ground floor living area.

C 1.12 Waste and Recycling Facilities

The controls seek to achieve the outcomes:

Waste facilities are accessible and convenient, and integrate with the development. (En)

Waste facilities are located such that they do not adversely impact upon amenity of the land adjoining development or natural environment. (En, S)

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

The curtilage to the dwelling and garage will have adequate area for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

C 1.17 Swimming Pool Safety

The controls seek to achieve the outcomes:

The promotion of personal safety. (S)

Compliance with Swimming Pools Act 1992 and Regulations (En, S)

Swimming pool fencing and warning notices are to be provided in accordance with the *Swimming Pools Act 1992* and regulations. Proposed swimming pool fencing will comply with this control.

6.6.4 Section D Design Criteria

The **D10 Newport Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The proposal will not result in additional run-off to adjoining properties or public spaces.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D10 Newport Locality** is provided below:

D10.1 Character as viewed from a public place

The control seeks to achieve the outcomes:

To achieve the desired future character of the Locality.

To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)

To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.

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)

High quality buildings designed and built for the natural context and any natural hazards. (En, S)

Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum. (S)

To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.

To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.

To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)

The required controls to achieve the outcomes are to ensure that the building form maintains compatibility with the locality through appropriate design relief and is secondary to the landscaping of the site.

The proposal provides for the construction for a new swimming pool in the rear of the site. The

works will not be visible within the Yachtsmans Paradise streetscape.

The setbacks provided generally reflect the setbacks of the nearby properties.

The proposal will not require the removal of any significant vegetation, and the available area of soft landscaping will be largely maintained.

D10.3 Scenic Protection – General

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment. (En, S)*

The proposal will maintain a bulk and scale which is compatible with the locality. The proposal will not require the removal of any significant vegetation, and the existing perimeter plantings are maintained in the rear yard to soften and screen the proposed pool.

D10.4 Building colours and materials

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.
The development enhances the visual quality and identity of the streetscape. (S)
To provide attractive building facades which establish identity and contribute to the streetscape.
To ensure building colours and materials compliments the visual character of its location with the natural landscapes of Pittwater.
The colours and materials of the development harmonise with the natural environment. (En, S)
The visual prominence of the development is minimised. (S)
Damage to existing native vegetation and habitat is minimised. (En)
The use of materials with low embodied energy is encouraged. (En)
New buildings are robust and durable with low maintenance requirements. (S)
In the Newport Commercial Centre, roofs of lighter colours are permitted to improve the thermal performance of the roof system. (En, Ec, S)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as the proposal will utilise recessive finishes and colours which are compatible with the DCP, existing building finish and the surrounding properties.

D10.7 Front Building Line

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- The amenity of residential development adjoining a main road is maintained. (S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Vehicle manoeuvring in a forward direction is facilitated. (S)*
- To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- To encourage attractive street frontages and improve pedestrian amenity.*
- To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

The control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The proposal will not see any change to the front building line. The works are wholly contained within the rear yard.

D10.8 Side and rear building line

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*
- Flexibility in the siting of buildings and access. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side.

For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted submit to meeting the desired outcomes of the control.

The new swimming pool will be setback 2.3m from the coping to the rear boundary and a minimum of 2.072m from the coping to the north-eastern side boundary.

The proposal will not require the removal of any significant vegetation. The existing perimeter plantings will be retained, which will soften and screen the built form of the development.

The works will not result in any adverse impacts for neighbouring properties in terms of solar access, privacy, views or general amenity.

The proposed setbacks are considered to be appropriate in this instance and will achieve the outcomes of Clause D10.8.

D10.11 Building Envelope

The controls seek to achieve the outcomes:

- To achieve the desired future character of the Locality.*
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- The bulk and scale of the built form is minimised. (En, S)*
- Equitable preservation of views and vistas to and/or from public/private places. (S)*
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposal will not alter the compliance of the existing dwelling with the building envelope control.

D10.12 Landscaped Area – General

The controls seek to achieve the outcomes:

- Achieve the desired future character of the Locality. (S)*
- The bulk and scale of the built form is minimised. (En, S)*
- A reasonable level of amenity and solar access is provided and maintained. (En, S)*
- Vegetation is retained and enhanced to visually reduce the built form. (En)*
- Conservation of natural vegetation and biodiversity. (En)*
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En)*
- To preserve and enhance the rural and bushland character of the area. (En, S)*
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management. (En, S)*

The required controls to achieve the outcomes are to limit residential development in order to

maintain a minimum landscaped area of 50% of the site area.

The site has an existing landscaped area of 40.8%. With the removal of redundant areas of decking and stairs, the proposal provides for an increase in landscaped area to 44.5%, inclusive of Council's allowance for functional open space, the proposal will provide a landscaped area of 50.5%.

The proposal will not require the removal of any significant vegetation, and the existing vegetation on site will be retained and protected.

The new works are sited to the rear of the dwelling and the streetscape appearance of the site remains unchanged.

The existing stormwater arrangements on the site will be maintained.

The proposed landscaped area is considered to be appropriate in this instance and will achieve the outcomes of Clause D10.12.

D1.15 Fences – General

The controls seek to achieve the outcomes:

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

No new fencing proposed.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the landscaped area where an improvement on the existing conditions has been made.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality

It is considered that the proposal, which seeks consent for proposed construction of minor alterations and a new swimming pool, which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 and Council's Codes and Policies, in particular the Pittwater 21 DCP 2014 and the Newport Locality Statement.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the construction of minor alterations to the existing dwelling and a new swimming pool, which respects and complements the existing development on site, together with the wider locality.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours' amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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