

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
Additions to a Dwelling
House

75 Cheryl Crescent,
Newport

Suite 1, 9 Narabang Way Belrose NSW 2085

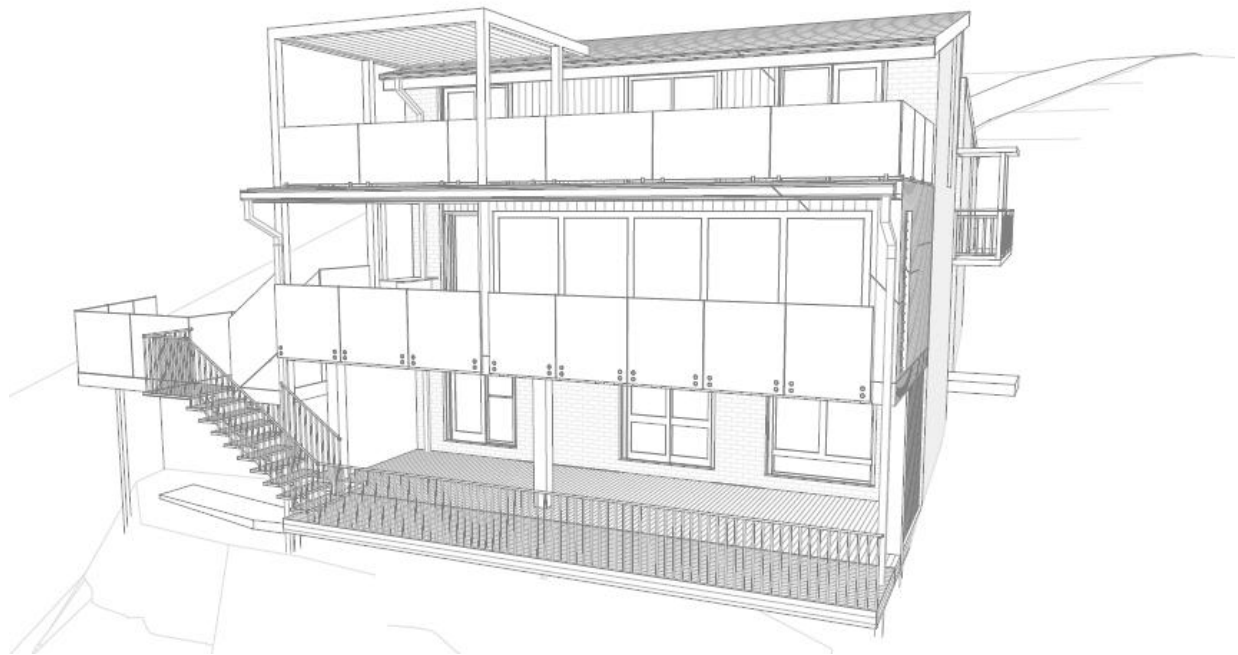
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Statement of Environmental Effects

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75 Cheryl Crescent, Newport



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1 Introduction

This Statement of Environmental Effects (SoEE) has been prepared in support of a development application proposing alterations and additions to the existing dwelling house. The designer has responded to the client brief to provide for enhanced internal amenity and through the reconfiguration and augmentation of floor space and balcony extensions. The additions provide a high level of amenity for future occupants with minimal impact upon the amenity of adjoining properties and the streetscape character of the area. In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and
- Pittwater 21 Development Control Plan 2012 (**P21DCP**).

In addition to this SoEE, this submission is accompanied by a boundary survey, architectural plans, geotechnical assessment, flora and fauna assessment report, waste management plan and BASIX Certificate.

Whilst the proposed first floor pergola structure breaches the 8.5 metre building height development standard pursuant to PLEP 2014 the breaching elements do not exceed 10 metres in height, are appropriately described as minor and satisfy the building height concessional considerations applicable to development on steeply sloping sites.

The identified non-compliances with the side boundary setback, building envelope control and landscaped area provisions of P21DCP have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A 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.

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

2 Site Analysis

2.1 Site Description and location

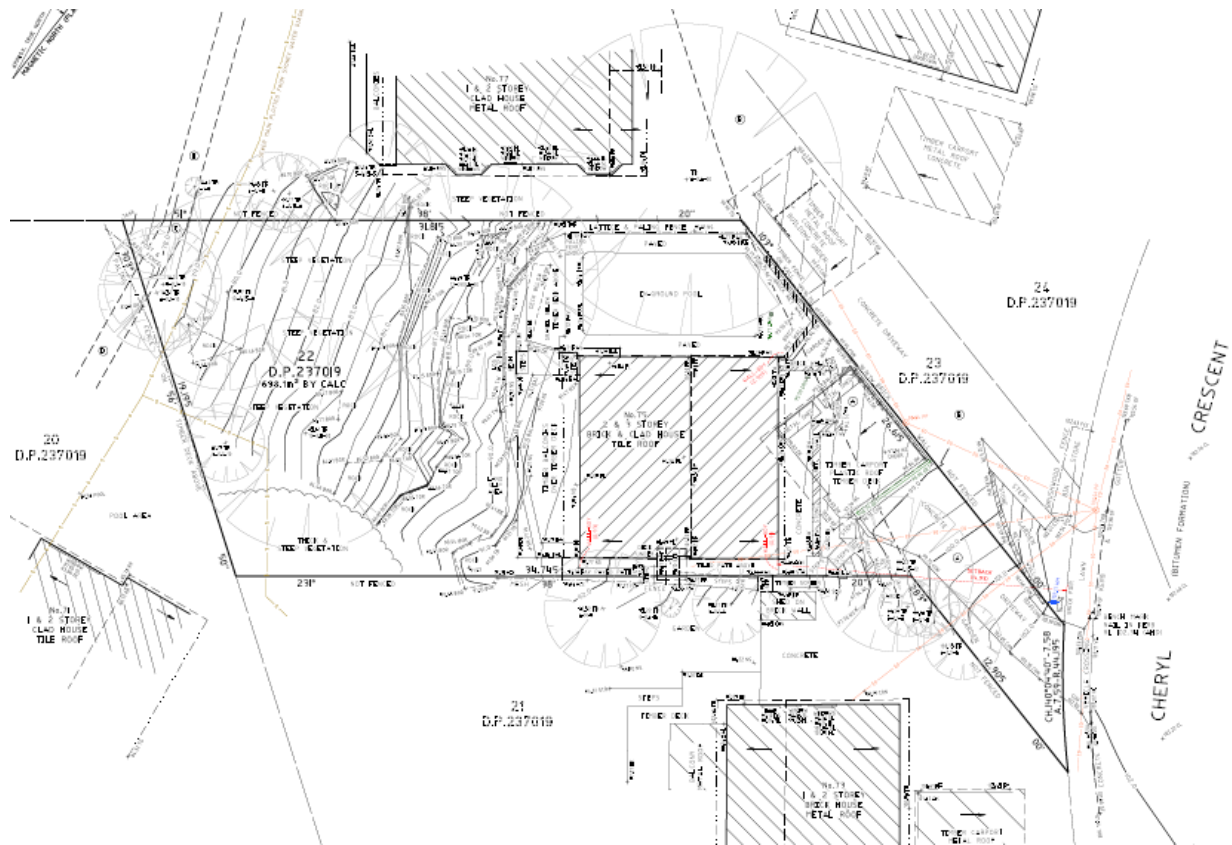
2.1.1 The Site

The site has a legal description of Lot 22 in DP 237019 and is commonly referred to as 75 Cheryl Crescent, Newport. The site is battleaxe in shape having a 7.59 metre frontage to Cheryl Crescent before opening up to 19.195 metre wide allotment having a variable depth of between 31.815 and 34.745 metres and an area of 698.1m². The site falls approximately 25.62 metres across its surface from its street frontage to the rear boundary. A stormwater drainage easement traverses the rear of the property. The property contains a number of trees and exposed rock outcrops as depicted in the following aerial photograph, survey extract and streetscape image.



Figure 1: Aerial photograph of the subject site

The site is occupied by 2 and 3 storey brick and clad residence with pitched and tiled roof and a detached double carport accessed from the Cheryl Crescent. A swimming pool is located to the north of the dwelling.



2.1.2 The Locality

The site is zoned C4 Environmental Living under the provisions of PLEP 2014. Land to the north, south and west is also zoned C4 Environmental Living and comprises dwelling houses of varied architectural style and age. Surrounding dwelling houses typically comprise 3-4 levels that step down the slope of the land.

3 Description of Proposed Development

3.1 Details of the proposed development

The application proposes alterations and additions to the existing dwelling house as depicted on the accompanying plans prepared by Progressive Plans. Specifically, this application provides for the following works:

Ground Floor

- The demolition of the existing decks at the rear of the dwelling and adjacent swimming pool.
- Additions to the rear of the existing dwelling to accommodate an enlarged open plan kitchen, living and dining room and new rear facing balcony adjacent to the living room and a deck at the western end of the existing swimming pool.
- Minor fenestration and awning changes/ works.
- New external stairs providing access from the ground floor balcony to the swimming pool deck and rear yard beyond.

First Floor

- Demolition of the existing rear facing balcony and its roof replacement with a larger rear facing balcony.
- The construction of an open pergola structure over the northern end of the proposed balcony.

All stormwater will be connected to the existing stormwater drainage system which gravity drained to the easement the rear of the property. The acceptability of the proposed works is detailed within the accompanying Geotechnical Assessment prepared by JK Geotechnics and Flora and Fauna Assessment Report prepared by Narla Environmental.

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

Finally, the application is supported by a Construction and Demolition Waste Management Plan detailing how waste is to be managed during construction.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

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

4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the C4 Environmental Living zone and dwelling houses are permissible with consent.

The objectives of the C4 Environmental Living zone are considered as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment: The resultant development is of a form and scale that is compatible with the surrounding urban environment and is an appropriate contextual fit in the streetscape. The proposal does not result in any adverse impacts upon the natural environment with the existing landscaping softening and screening the built form as seen from the waterway. The proposed development is a low-impact residential development.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment: Minimal excavation is proposed with existing landscaping maintained. The proposed development is entirely commensurate with surrounding built form and will not have an adverse impact upon the special values of the site.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment: The building will continue to be integrated into the slope of the land. The scale of the development is consistent with the desired future character of the Newport Locality and is compatible with surrounding and nearby development.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment: The established site landscape regime is maintained.

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

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. Clause 4.3(2D) states that despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if:

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and
- (b) the objectives of this clause are achieved, and
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

The stated objectives of such control 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.

Building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

ground level (existing) means the existing level of a site at any point.

As indicated on plan DA19 the majority of the existing dwelling and proposed works sit comfortably below the 8.5 metre height standard with the exception of the first-floor pergola which extends to a maximum height of between 8.986 metres at its northern end and 9.533 metres at its southern end. Such building heights remain below the 10 metre concessional height standard as depicted on plan DA19 an extract of which is over page.

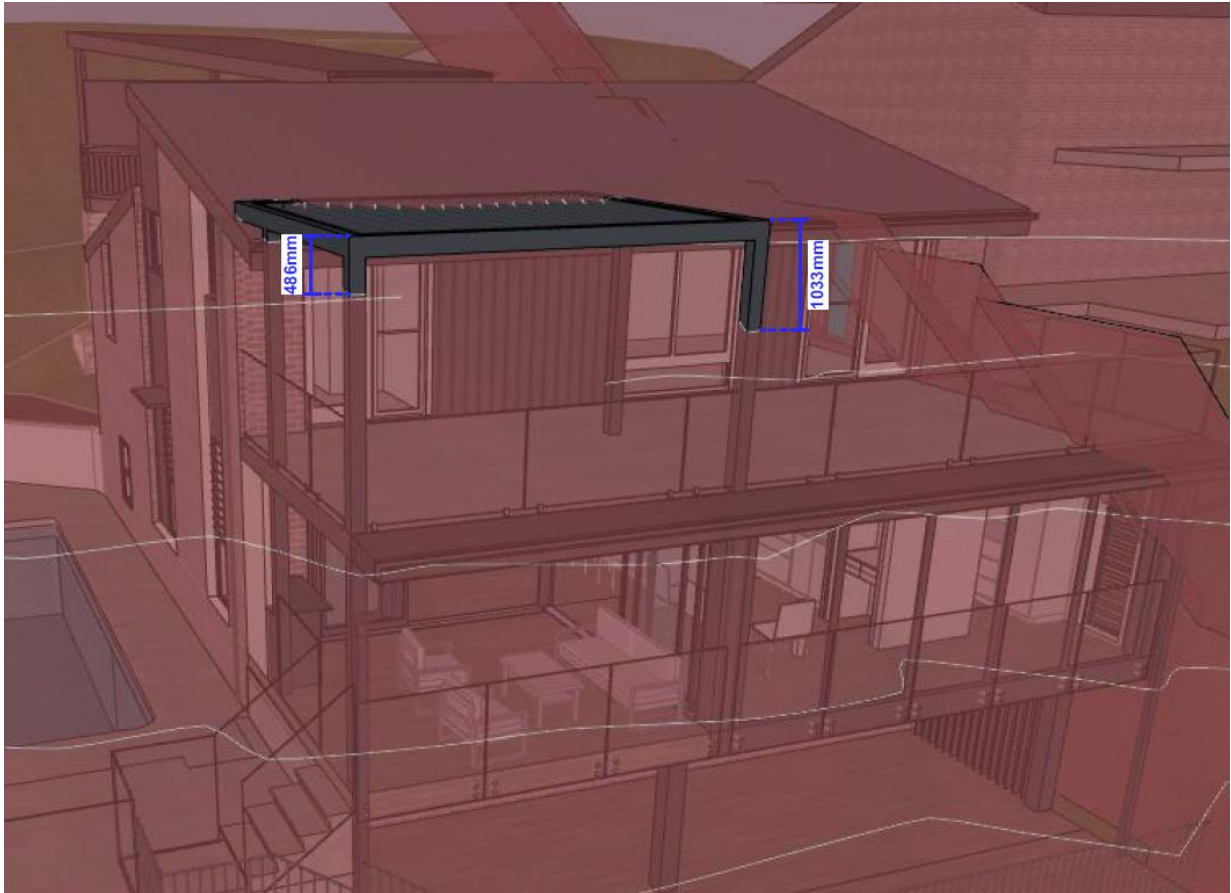


Figure 4: Relationship of first floor pergola to the 8.5 metre building height plane

Having regard to the acceptability of the 8.5 metre height breaching elements and the applicable 10 metre concessional height variation considerations we advise as follows:

- (a) *the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and*

Response: We confirm that the area of the building in breach of the 8.5 metre height standard remains below the 10 metre concessional height standard and is both quantitatively and qualitatively described as minor. This consideration is satisfied.

- (b) *the objectives of this clause are achieved, and*

Response: An assessment against the objectives is as follows:

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

Response: In accordance with the Newport Locality desired future character statement the dwelling displays a 2 storey building form.

The resultant height and scale are entirely commensurate with that of development located along this section of Cheryl Crescent and within the Newport Locality on steeply sloping sites. The single storey building presentation to the street provides for the retention of public views.

Accordingly, Council can be satisfied that the development, by virtue of its height and scale, is consistent with the desired future character of the Newport Locality. This objective is satisfied.

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

Response: Given the minor nature of the breaching element we are satisfied that the breaching goal element will not contribute to height and scale of the dwelling to the extent that it will be perceived as inappropriate, jarring or incompatible with the height and scale of surrounding and nearby development. This objective is satisfied.

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

Response: The accompanying shadow diagrams demonstrate that the portion of the development located above the 8.5 metre height standard will not result in any unacceptable or non-compliant shadowing impacts to the southern adjoining property on 21st June. This objective is satisfied.

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

Response: Having inspected the site and its immediate surrounds to identify potential view corridors across the site we are of the opinion that the proposal, in particular the elements of the development exceeding the 8.5 metre height standard, will not give rise to any adverse public or private view affectation. This objective is satisfied.

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

Response: As previously indicated the building has been designed to maintain a 2 storey stepped building form which responds appropriately to the topography of the site. The resultant height and scale are entirely commensurate with that of development located on the low side of Cheryl Crescent. The works are located within the established building footprint such that they respond sensitively to the natural topography. This objective is satisfied.

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

Response: The site is not heritage listed, is not located within vicinity of a heritage item and is not located within a conservation area. Particular attention has been given to ensuring that the development does not require excessive levels of excavation and does not require the removal of any trees or significant landscape features. This objective is satisfied.

Accordingly, Council can be satisfied that the building heights proposed satisfy the objectives of the height of buildings standard as identified.

- (c) *the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*

Response: The building footprint is situated on a slope of approximately 39% when measured through the building footprint which is significantly greater than the 30% concessional prerequisite.

- (d) *the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Response: This has been comprehensively demonstrated in response to the previous considerations.

Council can be satisfied that the minor portion of the building which exceeds the 8.5 metre height control satisfies the clause 4.3(2D) PLEP 2014 considerations and accordingly there is no statutory impediment to the granting of consent.

4.1.3 Acid Sulfate Soils

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

4.1.4 Earthworks

The consent authority can be satisfied that the minor excavation proposed to accommodate the proposed footings will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 7.2 of PLEP 2014.

4.1.5 Biodiversity

The site is identified as "Biodiversity" on the Biodiversity Map of PLEP 2014. The consent authority can be satisfied that the proposed works have been designed, sited and will be managed to avoid any significant adverse environmental impact, consistent with the provisions of clause 6.7 of PLEP 2014 as detailed within the accompanying Flora and Fauna Assessment Report prepared by Narla Environmental.

4.1.6 Geotechnical Hazards

The site is identified as being within Geotechnical Hazard H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Assessment prepared by JK Geotechnics that considers each of the matters prescribed by clause 7.7(3) of PLEP 2014, and confirms that the development has been design, sited and will be constructed to minimise risk, consistent with the provisions of clause 7.7(4) of PLEP 2014.

- (a) *the supply of water,*

4.2 Pittwater 21 Development Control Plan

4.2.1 Newport Locality

The property is located within the Newport Locality. The desired future character of the locality is identified as being:

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 multi unit 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 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.

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 alterations and additions acknowledge the sites constraints and opportunities as identified through detailed site analysis. The design response provides for a building which maintains a characteristic 2 storey stepped building form and which is compliant with the height standard applicable to steeply sloping sites. The building will sit within a landscape setting and below the height of surrounding tree canopy. The proposal will be safe from geotechnical hazard and will not give rise to any significant site disturbance or environmental consequences.

In this regard, Council can be satisfied that the development is consistent with the desired future character statement for the Newport Locality and will not be perceived as inappropriate or jarring in its context.

4.2.2 DCP Compliance Table

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

Control	Requirement	Proposed	Compliance
Part B General Controls			
B3.1 Landslip Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Assessment consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
B3.7 Estuarine Hazard	Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the	N/A	N/A

Control	Requirement	Proposed	Compliance
	development are at or above the Estuarine Planning Level.		
B4.7 Pittwater Spotted Gum Forest	Development shall not have an adverse impact on Pittwater Spotted Gum Endangered Ecological Community.	The proposed development does not result in any unacceptable impacts upon existing significant vegetation.	Yes
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	All stormwater will be connected into the existing stormwater disposal system which gravity drains to the drainage easement at the rear of the property.	Yes
B6.1 Access Driveways and Works on the Public Road Reserve	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.	No change.	N/A
B6.2 Internal Driveways	The design of all internal driveways and ramps shall be in accordance with the current edition of the following Australian Standard AS/NZS 2890.1-2004: Parking	No change.	N/A

Control	Requirement	Proposed	Compliance
	Facilities - Off-Street Car Parking.		
B6.3 Off-Street Vehicle and Parking Requirements	2 spaces (minimum)	No change.	Yes
B8.1 Construction and Demolition - Excavation	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Assessment consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
B8.3 Construction and Demolition – Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Waste Management Plan.	Yes
C1 Design Criteria for Residential Development			
C1.1 Landscaping	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping that reflects the scale and form of development.</p>	The existing landscape regime is maintained.	Yes
C1.2 Safety and Security	The development is to be designed in accordance	The proposal provides appropriate casual surveillance of the street, with	Yes

Control	Requirement	Proposed	Compliance
	with the four CPTED principles.	visitors able to be seen before opening the door.	
C1.3 Views	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposed works I will not impact views currently available across the subject site from the adjoining properties.	Yes
C1.4 Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p>	The accompanying shadow diagrams demonstrate that at least 3 hours of direct solar access will be maintained to the principal living and adjacent private open space areas of all immediately adjoining properties between 9am and 3pm on June 21st	Yes
C1.5 Visual Privacy	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9	Given the minor nature of the works proposed and the juxtaposition of adjoining development existing levels of visual privacy and amenity will be maintained.	Yes

Control	Requirement	Proposed	Compliance
	metres by building layout, landscaping, screening devices or greater spatial separation (measured from a height of 1.7 metres above floor level).		
C1.6 Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The proposed development is unlikely to result in any adverse acoustic privacy impacts.	Yes
C1.7 Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres.	More than 80m ² of private open space is maintained across the site.	Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations.	No change to existing.	N/A
C1.19 Incline Passenger Lifts and Stairways	Incline passenger lifts and stairways shall: <ul style="list-style-type: none"> - be designed and located so they do not involve excessive excavation, or the 	N/A	N/A

Control	Requirement	Proposed	Compliance
	<p>removal of natural rock or trees, and</p> <ul style="list-style-type: none"> - be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures, and - be located and designed to minimise the effects of noise from the motor and overlooking of adjoining dwellings, and - be painted to blend in with surrounding vegetation and screened by landscaping and - be set back two (2) metres from the side boundary to the outer face of the carriage - be located wholly on private land, and - have a privacy screen where there is a direct view within 4.5m to a window of a habitable room of another dwelling. 		
Part D1 Avalon Beach Locality			
D1.1 Character as viewed from a public place	The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design	Given the location of the proposed works relative to Cheryl Crescent they will not be discernible in a streetscape context.	Yes

Control	Requirement	Proposed	Compliance
	<p>elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p>		
D1.5 Building Colours	Dark and earthy tones	The proposed works incorporates natural materials and finishes to blend with the surrounding natural environment as depicted on Plan DA20.	Yes
D1.8 Front Building Line	6.5m	No change.	Yes

Control	Requirement	Proposed	Compliance
D1.9 Side and Rear Building Lines	<p>1m to one side, 2.5m to the other.</p> <p>FSBL to rear – see clause 7.8 of PLEP 2014</p>	<p>The works are generally consistent with the 2.5 m/1 m side boundary setback provisions with a 2.5 m setback generally maintained to the northern boundary and 1 m setback to the southern boundary of the allotment. That said, the proposed replacement deck at the western end of the existing swimming pool does encroach the 2.5 metre northern side boundary setback however it does not extend any closer to the side boundary than the pre-existing deck structure on the site and will not give rise to unacceptable residential amenity or environmental consequences. Given the open and light weight nature of the deck structure we are satisfied that the objectives of the control are not defeated.</p> <p>Such variation succeeds 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 controls/standards for dealing with that aspect of the development.</p>	No, Acceptable on merit

Control	Requirement	Proposed	Compliance
D1.11 Building envelope	Development is to be maintained below planes projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	<p>It has been determined that the proposed ground floor additions and upper-level terrace balustrade breach the side boundary building envelope as depicted in the plan extract at Figure 5.</p> <p>Clause D1.11 of P21 DCP provides that variations will be considered on merit where the building footprint is situated on a slope in excess of 30%.</p> <p>The application of this variation is warranted given the minor nature of the works that result in the breach, the fact that the land below the footprint of the building exceeds 30% and on the basis that the non-compliance does not detract from consistency with the outcomes of the building envelope control.</p> <p>Specifically, despite non-compliance with the envelope prescribed, the development is maintained below the height of surrounding canopy trees and is of a bulk and scale that is contextually appropriate. The development is highly articulated, with shading devices and varied materiality, to ensure that bulk and scale is minimised.</p> <p>Furthermore, the non-compliance does not result in any unreasonable or adverse impacts upon the amenity of adjoining properties.</p>	No, Acceptable on merit

Control	Requirement	Proposed	Compliance
		<p>The objectives/outcomes of the control are achieved notwithstanding non-compliance proposed.</p> <p>Such variation succeeds 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 controls/standards for dealing with that aspect of the development.</p>	
D1.14 Landscaped Area – Environmentally Sensitive Land	60% minimum	<p>Existing 399.43 square metres or 57.21%.</p> <p>No change.</p> <p>Whilst not strictly in accordance with the 60% control, the retained landscape outcome on the site is both quantitatively and qualitatively acceptable with the site landscaping contributing to the biodiversity of the local area.</p> <p>The landscaped area maintained will ensure the development will continue to sit within a landscaped setting and is consistent with the desired future character of the Newport Locality.</p>	No, Acceptable on merit

Control	Requirement	Proposed	Compliance
		Such variation succeeds 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 controls/standards for dealing with that aspect of the development.	
D1.16 Fences	<p>Front and side fences (within the front building setback) shall not exceed a maximum height of 1 metre above existing ground level, shall be compatible with the streetscape character, and not obstruct views available from the road.</p> <p>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</p>	N/A	N/A
D15.15 Waterfront Development	<p>Boatsheds shall be located above mean high water mark on freehold land.</p> <p>Boatsheds shall be one storey and no greater than 4.5 metres in building height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length.</p>	N/A	N/A

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.3.1 Vegetation in non-rural areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not seek consent for the removal of any significant trees or vegetation with the proposal consistent with the requirements and objectives of Chapter 2 of SEPP (Biodiversity and Conservation).

4.3.2 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time with no prior known land uses.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

4.4 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

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

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

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

(iii) *Any development control plan*

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

- (iiiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

- (iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

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

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

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

- ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

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

Public Domain

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

Utilities

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

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna as detailed within the accompanying Flora and Fauna assessment prepared by Narla Environmental.

Waste Collection

No change.

Natural hazards

The development will be safe from natural hazards as detailed within this report.

Economic Impact in the locality

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

Site Design and Internal Design

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

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

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

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

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

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

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

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

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

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

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

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

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

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

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

(e) *The public interest*

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to legitimate alterations and additions to an existing dwelling house on a steeply sloping site. The development would not be contrary to the public interest.

5 Conclusion

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

The designer has responded to the client brief to provide for enhanced internal amenity and through the reconfiguration and augmentation of floor space and balcony extensions. The additions provide a high level of amenity for future occupants with minimal impact upon the amenity of adjoining properties and the streetscape character of the area.

Whilst the proposed first floor pergola structure breaches the 8.5 metre building height development standard the breaching elements do not exceed 10 metres in height, are appropriately described as minor and satisfy the building height concessional considerations applicable to development on steeply sloping sites.

The identified non-compliances with the side boundary setback, building envelope control and landscaped area provisions of P21DCP have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

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

Boston Blyth Fleming Pty Limited



Greg Boston

Director