

Statement of Environmental Effects

**3 Alexandra
Crescent,
Bayview**

**Construction of a
dwelling house**

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Statement of Environmental Effects

Construction of a dwelling house

3 Alexandra Crescent, Bayview

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Annexure 1 Clause 4.6 variation request - Height of buildings

1 Introduction

This statement has been prepared in support of a development application proposing the construction of a dwelling house on the existing vacant allotment.

The proposal has been designed to be responsive to the significant constraints of the site, most notably with regard to the watercourse which traverses the property, while also providing a dwelling of high amenity and design merit. The design seeks to minimise amenity impacts to neighbouring dwellings while being consistent with the desired future character of the Church Point and Bayview locality. The application is supported with a BDAR report, arborist report, flood impact assessment and landscape plan to ensure that development balances the biodiversity value of the area, the flooding constraints identified for development on the land and the orderly and economic use of the site.

The proposal has been development with regard to the advice received following formal pre-lodgement discussions with Council (PLM2024/0031). The scheme at the pre-lodgement meeting stage was not supported by Council due to siting of the dwelling over the natural watercourse. The advice was to explore a realignment of the creek which has been undertaken and is proposed with this application. Concerns relating to the built form have also been taken into consideration.

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

- Survey Plan
- Architectural drawings
- Flood Impact Assessment
- BASIX Certificate
- Stormwater Management Plans
- Geotechnical report
- Biodiversity Development Assessment Report
- Survey
- Arborist Report

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

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;

- Pittwater Development Control Plan 2014;
- State Environmental Planning Policy (Sustainable Buildings) 2022;

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

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the Church Point and Bayview locality.
- The proposed dwelling will not have a significant adverse impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The development will be safe from flooding hazards
- The proposal will not give rise to inappropriate or jarring streetscape or residential amenity impacts.
- The site is suitable for the proposed development.
- The built form non-compliances relating to building height and front setback have been appropriately justified with a clause 4.6 provided with regard to the height variation.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 2 in DP 1016440, 3 Alexandra Crescent, Bayview. A location map is included as **Figure 1**.

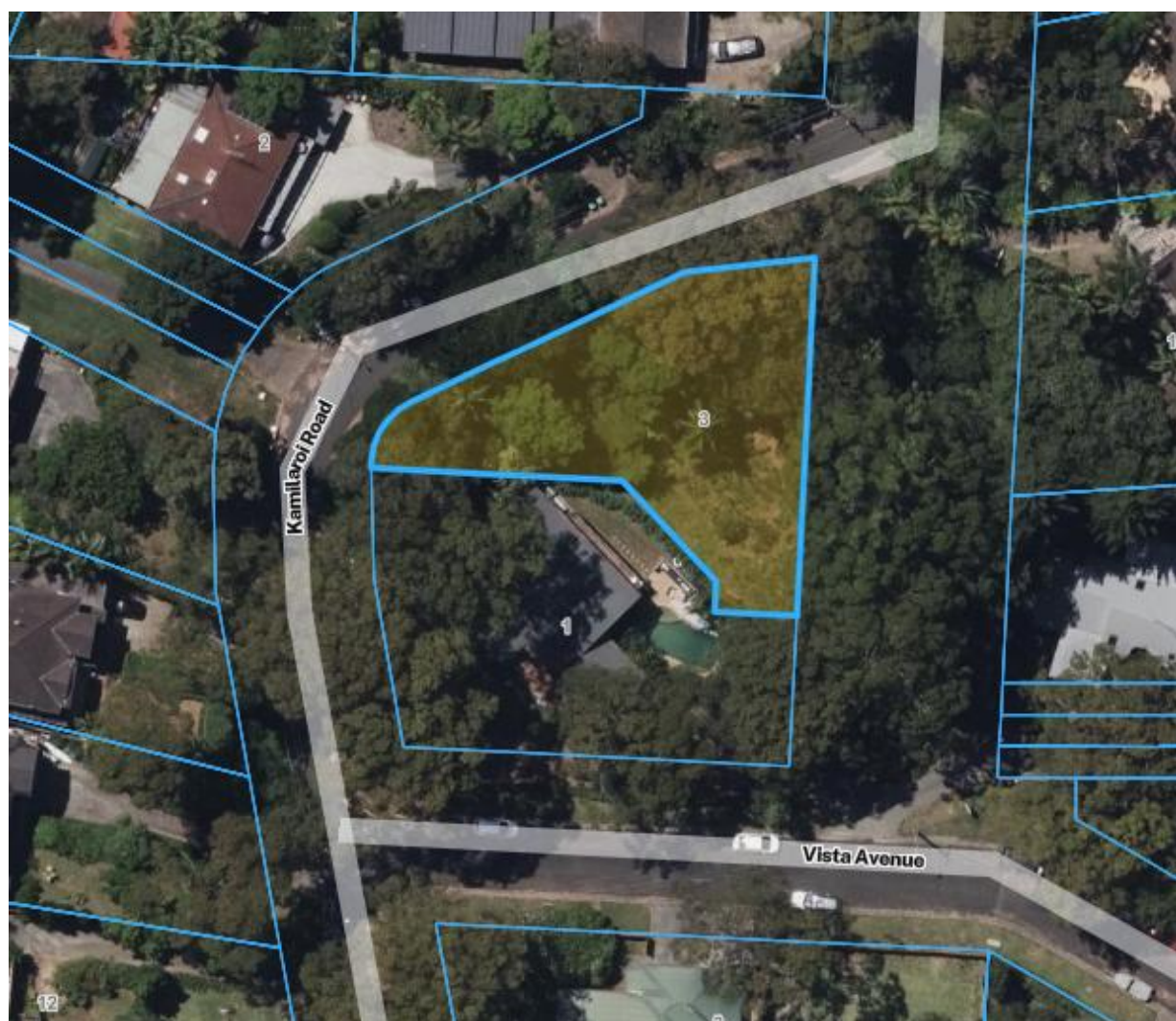


Figure 1 - Site Location (Source: Six Maps)

Number 3 Alexandra Crescent is an irregular shaped allotment comprising a total site area of 768.4m². The site has primary frontage to Kamilaroi Road with secondary frontage to the unmade portion of Alexandra Crescent.



Figure 2 – Subject property as viewed from the street frontage

The site is currently undeveloped. The natural slope of the land is approximately 12 degrees. The bulk of the trees on the site are located around the watercourse that bisects the site. The watercourse creates a valley in which the topography slopes towards.

The adjoining site to the southwest is the only dwelling in proximity to the site and was in existence when the subject site was created by way of subdivision.

2.1.2 The Locality

The subject site is located within the Church Point and Bayview Locality. The locality has developed into a predominantly low-density residential area, with dwellings built along the steep slopes and lowlands around the base of the plateau. The locality is characterised mainly by one and two-storey dwelling houses on 600-1,000 square metre allotments (some smaller blocks may exist), increasing to 1 hectare on the steeper slopes. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Although parts of the locality are steep, the natural fall of the land in most cases has been retained, and where retaining walls have been constructed, these are screened by natural vegetation. Terraced gardens are not a feature of the area and should not be encouraged.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes the construction of a new dwelling. The works are detailed on the architectural plans prepared by Scope Architects. Specifically, the works proposed are:

Ground Floor:

- Open plan kitchen/dining/living room with a pantry, laundry and W/C. A deck will wrap around the ground floor.
- Pedestrian entryway and stairs providing access from the street

First Floor:

- Double car garage
- Bedroom level including 4 bedrooms and bathroom with Bed 4 including an ensuite and WIR.
- Front facing balcony

As per advice received at the pre-lodgement meeting, the watercourse bisecting the site is to be realigned to run to the rear of the proposed dwelling. This is detailed in the flood study report prepared by GRC Hydro. Further, the final architectural plans provide for an increased setback to the south, a reduction in the size of the garage and a reduction in upper-level floor space.

An arborist report is provided detailing the trees to be removed, and those to be retained and protected. The proposed tree loss is appropriately compensated for through the implementation of the site landscape regime as detailed on the plans prepared by Conzept Landscape Architects.

Stormwater management plans, geotechnical report and biodiversity report are also provided in support of the application.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

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

4.1.1 Zoning and Permissibility

As previously noted the site is zoned C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the C4 zone. The specific objectives of the zone are identified as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The application relates to a new dwelling on the currently vacant lot and is a permissible use on the site. The environmental constraints have been appropriately considered with regard to the watercourse and biodiversity to ensure that the objectives of the zone are met while achieving the orderly and economic use of the site.

4.1.2 Height of Buildings

Pursuant to Clause 4.3 (2A) of the PLEP which states that:

(2A) Despite subclause (2), development on land—

- (a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and*

(b) 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 8.0 metres above the flood planning level.

The objectives of the control area as follows:

- a) To ensure that any building, by virtue of its height and scale, is consistent with the 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.

While the flood planning level is applicable to the site the development is greater than 8m above the flood planning level. As such, the variation is in relation to the 8.5m height control which also applies to the site. The breach is located to the eastern side of the dwelling with the majority of the dwelling complying with the control. The variation is measured at 515mm or 6.05% and is depicted on the section drawing below:

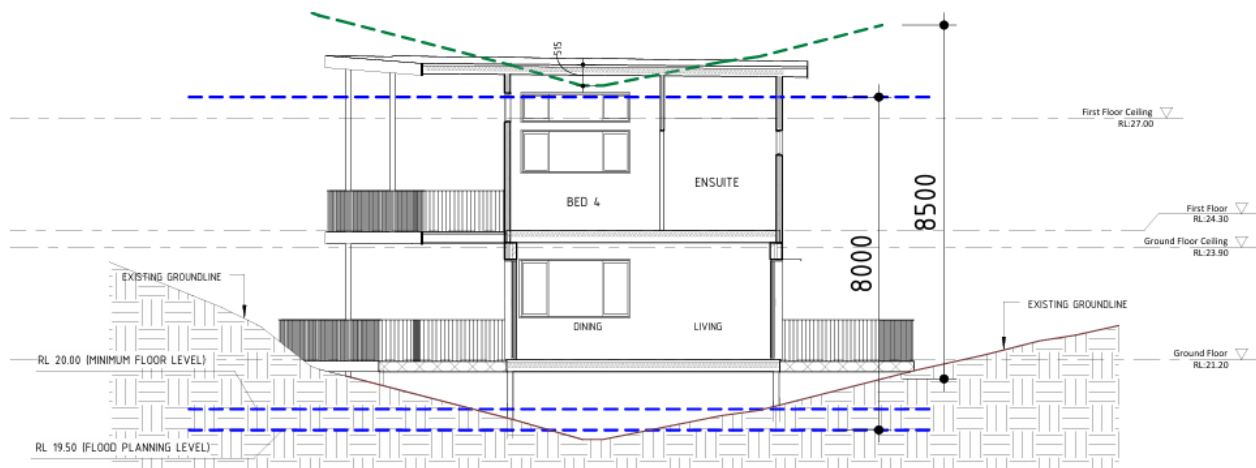


Figure 3 - Section extract identifying the building height breach.

Clause 4.6 of PLEP provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

In this regard, we rely on the accompanying clause 4.6 variation request to justify the building height variation proposed. These variation request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention. The clause 4.6 variation request is well-founded.

4.1.3 Biodiversity

Pursuant to Clause 7.6, the site is identified on the biodiversity map. A biodiversity development assessment report (BDAR) is provided with this application. The report states that the development has been designed to avoid impacts on biodiversity values and will remove invasive weeds and plant species within the subject site. These provisions have been satisfied.

4.1.4 Geotechnical Hazards

The site is mapped as a geotechnical hazard area within the Pittwater LEP and accordingly the application is accompanied by a geotechnical investigation report prepared by White Geotechnical Group. The report provides recommendations for construction to ensure that any potential risk is minimised. It is anticipated the recommendations of the report will form part of the consent. These provisions have been satisfied.

4.1.5 Earthworks

Apart from footings and minor levelling there is no significant excavation required for the construction of the dwelling. Diversion channel is proposed that diverts flow away from the watercourse which is detailed in the flood report provided. These provisions have been satisfied.

4.1.6 Flood Planning

A flood planning level applies to the site with the proposed floor level (FPL) meeting the applicable FPL. A Flood Impact Assessment prepared by GRC Hydro accompanies this application contains the following conclusions:

A two-storey residence is proposed at the subject site. In this assessment the following work is presented:

- *A diversion channel design is proposed that diverts flow away from the watercourse that currently traverses the site;*
- *Impact modelling is shown to represent the impact (lack of in this case) the diversion and construction of proposed dwelling has on flood behaviour for adjoining property;*
- *Proposed floor levels are shown to be in accordance FPL requirements as per the DCP and finally*
- *The DCP issues pertinent to the site have been addressed individually.*

Overall, what is being proposed is a dwelling at a location which has an upstream catchment of 2 ha. By raising the dwelling above natural ground such that all floor levels exceed or meet FPL requirements, and diverting flow around the dwelling, GRC propose that relevant Council controls are addressed.

These provisions have been satisfied.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Church Point and Bayview Locality

The desired future character of the Church Point and Bayview Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

The Church Point and Bayview locality will remain 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 lowlands in the locality on land that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. 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. The locality is characterised by steeply sloping blocks so the provision of facilities such as inclinators, driveways and carparking need to be sensitively designed. The shared use of vehicular/pedestrian access, and the use of rooftops as parking areas can be solutions that minimise the physical and visual impact on the escarpment or foreshore.

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. Views from the buildings shall be maintained below the tree canopy level capturing spectacular views up the Pittwater waterway. 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.

The locality is visually prominent particularly from Scotland Island, Bilgola Plateau, and the Pittwater waterway. Therefore, 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, 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.

Pedestrian/cycle access around the foreshore and to areas of open space will be upgraded and maintained.

Church Point will remain an important link to the offshore communities.

We are of the opinion that the proposal is consistent with the desired future character of the Church Point and Bayview Locality as outlined in that the proposal provides for a two storey building form which has been sensitively designed having regards to the constraints imposed by topography, trees and flooding. The development requires minimal excavation and will sit below the established tree canopy. The proposal will be safe from flooding hazard. The proposal will not be perceived as inappropriate or jarring in a streetscape context nor will it have unreasonable or unanticipated residential amenity impacts in terms of privacy solar access and views.

4.2.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
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 proposal is supported with a geotechnical report.	Yes
B3.11 Flood Prone Land	Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.	A flood report is provided. The proposal will be safe from flooding hazard.	Yes
B4.1 Flora and Fauna Conservation Category 1 Land	Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities.	A BDAR report is provided with this application. The proposal will not directly negatively impact on threatened species, endangered populations or endangered ecological communities.	Yes
B4.22 Preservation of Trees and Bushland Vegetation	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To effectively manage the risks that come with an established urban forest through professional management of trees.</p>	An arborist report is provided detailing the trees to be removed and tree protection measures for trees within the proximity of the development.	Yes

Control	Requirement	Proposed	Compliance
B5.15 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy	Stormwater management plans are provided with stormwater appropriately managed and disposed of.	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.	The site is undeveloped and a new crossover and driveway are proposed from Kamilaroi Road. The driveway is designed in accordance with engineering requirements.	Yes

Control	Requirement	Proposed	Compliance
B6.2 Internal Driveways	Internal Driveways are to be designed and constructed to provide safe access and shall have a maximum gradient of 1:5 (V:H). Recommended maximum gradient of an Internal Driveway for a distance of 2m on the approach to a garage, parking area or carport is 1:20 (V:H). There must be a minimum 2 metre long transition between the driveway and the garage/parking area/carport in accordance with the standards.	The driveway is designed in accordance with the profile engineering requirements.	Yes
B6.3 Off-Street Vehicle Parking Requirements	2 spaces	A double garage is proposed in compliance with the off-street parking requirements.	Yes

Control	Requirement	Proposed	Compliance
B8.1 Construction and Demolition - Excavation and Landfill	<p>Site disturbance is minimised</p> <p>Excavation, landfill and construction not to have an adverse impact</p>	<p>Minor excavation is required for the footings and levelling with regard to the dwelling.</p> <p>The acceptability of the creek watercourse diversion works is detailed within the flood report.</p>	yes
B8.3 Construction and Demolition - Waste Minimisation	<p>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.</p>	<p>Waste management plan is provided with this application</p>	Yes
C1.1 Landscaping	<p>A built form softened and complemented by landscaping</p> <p>Landscaping reflects the scale and form of development.</p> <p>Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species</p>	<p>A landscape plan is provided which will see an enhancement of native species across the site.</p> <p>The BDAR report also details the removal of invasive species which will contribute positively to the biodiversity of the local environment.</p> <p>Trees lost will be replaced with new native species.</p> <p>The landscaping will also contribute positively to the streetscape and achieves a softening and screening of the development.</p>	Yes

Control	Requirement	Proposed	Compliance
C1.2 Safety and Security	Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements	The dwelling will provide casual surveillance of the street. The design will incorporate adequate lighting and clearly designated entry points.	Yes
C1.3 View Sharing	The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	No scenic view corridors from adjoining properties will be impacted by the proposed development with the dwelling house sitting low into the site compared to the upper-level balcony of the southern adjoining dwelling.	Yes
Solar Access Clause C1.4	Main private open space of the 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. Windows to the principal living areas 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 to at least	<p>Shadow diagrams have been prepared and are included within the architectural set.</p> <p>The shadow diagrams demonstrate compliant levels of solar access will be achieved with the north east elevation of the adjoining property receiving full sun between 9am – 12pm. In the afternoon their north east elevation will be impacted however 3 hours is achieved in the morning.</p> <p>Adjoining private open space areas will also receive compliant levels of solar access.</p>	Yes

Control	Requirement	Proposed	Compliance
	50% of the glazed area.		
Private Open Space Clause C1.7	Minimum area of 80sqm of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard	>80m ²	Yes
Church Point and Bayview Locality Specific Development Controls			
Front Building Line D4.5	6.5 or established building line, whichever is the greater	<p>The site constraints with regard to topography, biodiversity and the natural watercourse that bisects the site contribute to the inability for strict compliance to be achieved.</p> <p>The dwelling is largely compliant with the 6.5m control with the offending areas related to the garage, decking and the pedestrian entry stairs.</p> <p>The watercourse is to be diverted to run behind the proposed dwelling and was determined to be the best located for the diversion. As such pushing the dwelling further back is limited.</p> <p>Minimising biodiversity impacts</p>	No Acceptable on merit

Control	Requirement	Proposed	Compliance
		<p>have been considered with the location of the dwelling resulting in the least impact on the site, as detailed within the BDAR report. The irregular geometry of the site also guides the proposed footprint of the dwelling.</p> <p>The minor encroachments will not result in adverse amenity impacts to neighbours. The garages will be the only prominent structure within the front setback with parking structures common built close to the front boundary common in areas with steep topography and constrained sites. The variation proposed will not have an adverse impact on the streetscape character of the area.</p>	
Side and Rear Building Line D4.6	2.5 to at least one side; 1.0 for other side 6.5 rear	Complies	Yes
Building Envelope D4.8	Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	Complies	Yes

Control	Requirement	Proposed	Compliance
Landscaped Area	Minimum 60%	63% provided.	Yes

4.3 The State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the residential component of the development and aims to encourage sustainable residential development.

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

4.4 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 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

4.4.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

4.4.2 The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

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

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

Context and Setting

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

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

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

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

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

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

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

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

Compliant parking is achieved

Public Domain

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

Utilities

Utilities can be connected to the dwelling

Flora and Fauna

Biodiversity and arborist reports are provided. A landscape plan will increase native species across the site.

Waste Collection

Normal domestic waste collection applies to the dwelling house

Natural hazards

Technical reports are provided.

Economic Impact in the locality

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

Site Design and Internal Design

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

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

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

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

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*

- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by the Environmental Planning and Assessment Regulation 2021. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

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

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

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

4.4.4 The suitability of the site for the development

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

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

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

4.4.5 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.

4.4.6 The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal, given the constraints imposed by the sites topography and environmental characteristics including flooding. The dwelling will provide the occupants with a family home that has been design with regard to the environmental constraints that are identified on the site.

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

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the desired future character of the Church Point and Bayview locality.
- The proposed dwelling will not have a significant adverse impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The development will be safe from flooding hazards
- The proposal will not give rise to inappropriate or jarring streetscape or residential amenity impacts.
- The site is suitable for the proposed development.
- The built form non-compliances relating to building height and front setback have been appropriately justified with a clause 4.6 provided with regard to the height variation.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.