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**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Proposed Swimming Pool

**19 CALVERT PARADE
NEWPORT**

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Statement of Environmental Effects

Proposed Alterations and Additions to an existing dwelling house

19 Calvert Parade, Newport

Prepared under instructions from

Mr Robert Dunnet

By

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1.0 INTRODUCTION

This report accompanies and supports a Development Application (DA) for the construction of a swimming pool at the property known as 19 Calvert Parade, Newport.

The report has been prepared for the land owner, Mr Robert Dunnet.

The design and location of the swimming pool has been prepared in consultation with the project geotechnical engineer with its siting not giving rise to any adverse visual foreshore or residential amenity impacts. In preparation of this document consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended ("The Act").
- Pittwater Local Environmental Plan 2014 ("The LEP").
- Pittwater 21 Development Control Plan ("The DCP").

Architectural drawings including floor plans, elevations and shadow diagrams have been prepared in support of the development. The application is also accompanied by a site survey and geotechnical report. No BASIX certificate is required as the pool has a volume of less than 40,000 litres.

The proposal is consistent with the legislative framework as it relates to this form of development on this particular site.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s79C of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The subject site is legally described as Lot B in DP 304468, No. 19 Calvert Parade, Newport.

The site is located on a north facing hillside, leading up to the southern Newport headland.

Adjoining properties orientate to the east and north for their amenity which is embellished by expansive views of Newport Beach, the Pacific Ocean and also for sunlight. As a result, windows are a prominent feature of the north and east elevations of the existing homes in this location.

The site is practically rectangular in shape aside from having splayed front and rear boundaries. The site has a frontage to Calvert Parade of 12.905 metres, variable depth of between 71.13 (northern) and 73.39 metres (southern), a splayed rear boundary of 14.05 metres and a site area of 834.7 square metres.

The property is located on the eastern, high side of Calvert Parade with a fall across its surface in both westerly and northerly directions.

The eastern half of the site (approximate) comprises natural coastal landform partly comprising an escarpment to Newport Beach and the some of the beach itself. There is a significant level difference between the dwelling and the beach below, in the order of around 28 metres.

The western part of the site, which accommodates the dwelling, slopes principally to the Calvert Parade street level, but it also has a cross fall from south to north, although the original ground levels have been altered to accommodate the existing dwelling.

The land falls by approximately 4 metres from the rear terrace to the Calvert Parade Street level (RL 26.6 to RL 22.4). The land falls by approximately 2 metres from south to north across the site, measured at the rear of the dwelling (RL 28.5 to RL 26).

A relatively level rear yard provides the principal and useable private open space area for the dwelling.



Figure 1 – Aerial map of the site (Six Maps)

The property to the north- No. 17 Calvert Parade is occupied by partly constructed residence in a contemporary architectural design.

The property to the south- No. 21 Calvert Parade is occupied by a modern dwelling house with garage that extends forward into the front building alignment as shown on an excerpt of the site survey at Figure 5.



Figure 2 – scale and siting of development footprints within the local context. The subject site is narrower than the adjoining and nearby allotments. Source: Google Maps



Figure 3 - Existing streetscape character (courtesy Google maps)



Figure 4 - Existing streetscape character to the south east of the site (courtesy Google maps)

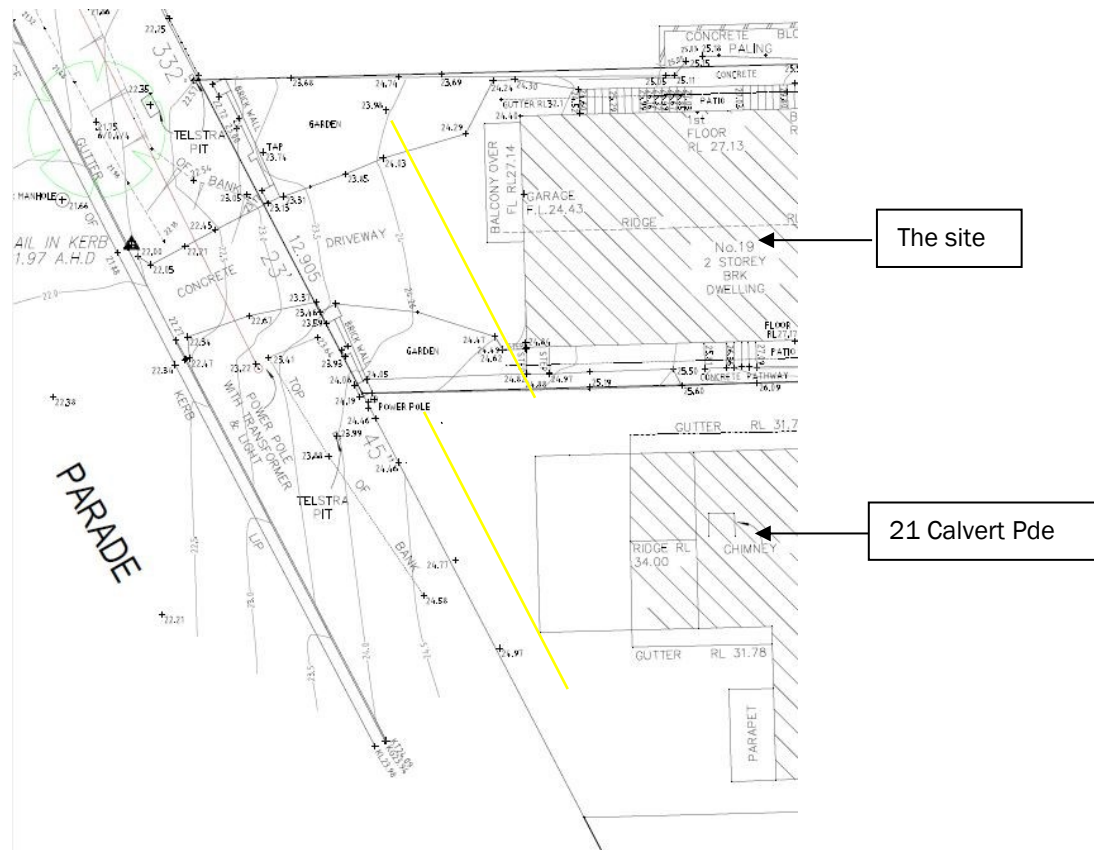


Figure 5 - No. 21 Calvert Parade's garage extends forward of the front building alignment (excerpt of the site survey). The subject site is set further back from the street



Figure 6 - eastern half of the site comprises natural coastal landform- partly escarpment and some of Newport Beach.

3.0 DEVELOPMENT PROPOSAL

The proposal involves the construction of an in-ground swimming pool and associated surrounds and fencing at the property known as 19 Calvert Parade, Newport.

The proposed development is depicted on Plans SP0(C)1 to SP03(C), dated 4th July 2016, prepared by Alan Mitchell Design.

The required swimming pool filter equipment is located in an acoustic enclosure located adjacent to the southern boundary of the site. The proposal does not require the removal of any trees or significant vegetation.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Pittwater Local Environmental Plan 2014

4.1.1 Zone and zone objectives

The subject property is zoned E4 Environmental Living pursuant to the provisions of Pittwater Local Environmental Plan 2014 ("PLEP 2014"). The stated objectives of the zone are 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.*

Dwelling houses and ancillary structures are permissible in the zone with development consent. We have formed the considered opinion that the proposed development is consistent with the zone objectives as it maintains a low impact residential use on the site which does not give rise to unacceptable ecological, scientific or aesthetic impacts.

Accordingly there is no statutory impediment to the granting of consent.

4.1.2 Height of Buildings

In accordance with clause 4.3 of the PLEP 2014 a maximum building height of 8.5 metres is applicable to the site.

All proposed works sit well below the 8.5 metre standard.

4.1.3 Geotechnical hazards

In accordance with these provisions the application is accompanied by a Geotechnical Report, dated 2nd August 2016, prepared by Douglas Partners engineering consultants.

The report assesses site, proposed works and addresses the provisions of Pittwater Council's Geotechnical Risk Management Policy. Overall the report finds that there will be no adverse geotechnical or coastal bluff risks associated with the proposed swimming pool subject to appropriate structural design and construction.

4.1.4 Limited development in the foreshore area

Pursuant to clause 7.8(2) PLEP 2014 Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
- (b) *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

The following definitions are applicable:

Foreshore area means the land between the foreshore building line and the mean high water mark of the nearest natural waterbody shown on the Foreshore Building Line Map.

Foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.

The property is subject to a Foreshore Building Line ("FBL") the location of which is nominated on the below image from Pittwater Council.

The existing dwelling house and the proposed swimming pool are located wholly behind the FBL and the proposal complies with this provision.



Figure 7 - Foreshore Building Line

4.2 Pittwater 21 Development Control Plan

This policy document came into effect on 1st February 2004. Pittwater 21 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 Pittwater 21 DCP as outlined in the following sections of this report. The proposal displays compliance with the objectives and / or numerical requirements of the DCP.

An overview of the applicable development controls and the manner in which the proposal responds is provided in the table below. Where a more detailed response is warranted the control is addressed in the section following the table.

Compliance Table

Site Area 834.7m ²	Control	Proposed	Compliance
NEWPORT LOCALITY - BUILT FORM CONTROLS			
Height	8.5 metres	< 8.5 metres	YES
Front Building Line	6.5 metres	Existing. No change proposed to front setback	YES
Side Building Line	Min 2.5m one side and 1.0m other side	900mm setback to northern boundary from pool edge and 1.7 metre setback to southern boundary from filter box.	NO Minor variation, contextually appropriate and satisfies outcomes of control
Building Envelope	3.5m at boundary in 45 degrees	Fully compliant	Yes
Landscaped Area	60%	502sqm and 60%	YES
RESIDENTIAL DEVELOPMENT CONTROLS			
Private Open Space	Min 80sqm	Rear landscaped area > 80sqm	YES
Car parking	Min 2 spaces	2 spaces existing	YES

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 proposed swimming pool has been designed to be integrated into the natural landform and respects the natural features / landform of the site consistent with the desired future character statement.

4.2.2 General Controls

Contaminated Land and Potentially Contaminated Land

A review of available council records confirms that the site has only ever been used for residential purposes. As such it can be reasonably assumed that the site is not contaminated.

Stormwater Management

All stormwater is intended to be disposed of via the exiting site stormwater system.

Off-street Vehicular Parking Requirements

Pursuant to Clause B6.4 a minimum of two (2) parking spaces are to be provided for a single dwelling. The proposal maintains the existing double garage and access from Calvert Parade as depicted in the plans.

Site Works Management

In accordance with Part B8 appropriate measures are to be undertaken to address the issues of construction and demolition impacts, erosion and sedimentation management, waste minimisation, site fencing and security, works in the public domain and traffic management where required.

Normal site management practices will be adopted to prevent public access during construction to prevent erosion and sedimentation. It is envisaged that all construction materials will be stored on site throughout the demolition and construction processes.

4.2.3 Development Type Controls

Design Criteria for Residential Development

Solar Access

In accordance with Clause C1.4 the 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 21 June.

It is clearly evident that the proposal will maintain well in excess of 3 hours of solar access to the principle living areas and private open space areas of adjoining properties between 9am and 3pm on 21st June in strict accordance with the control.

The development complies with the solar access requirements of P21 DCP.

Visual Privacy

Pursuant to clause C1.5 private open space, recreation areas and living rooms of the proposal and any adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation.

Elevated decks, verandas and balconies should incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.

In response:

Properties in this location orientate to the east and north for their amenity which is embellished by expansive views of Newport Beach the Pacific Ocean and also for sunlight. As a result, windows are a prominent feature of the north and east elevations of the existing homes in this location.

Given the amenity available to the north there is strong a tendency for windows, balconies and terraces to orientate to the north; each property to the south looking across the northern neighbour- see photographs below.

This is a characteristic of the location which contrasts with the DCP's objective to minimise the extent and area of windows within side elevations. The relationship between the proposed works and the neighbouring dwellings is clearly established on the plans.

The proposed pool design and location is consistent with the siting design and orientation of swimming pools on adjoining properties. It is assessed that the proposal will not result in an unacceptable level of visual privacy impacts and complies with the requirements of the control.

View Sharing

As has been previously noted expansive views are available from this coastal escarpment location. These include views of Newport Beach, the Pacific Ocean and distant headlands to the north; also ocean and coastal to the south east from the site.

Given the in-ground nature of the swimming pool and maintenance of established view lines from neighbouring properties we have formed the considered opinion that a view sharing scenario is maintained in accordance with the DCP provision and the view sharing principles established in the matter of Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC140.

Private Open Space

Pursuant to Clause C1.7, a minimum area of 80 square metres is to be provided 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. Within the private open space area, a minimum principle area of 16sq metres with a minimum dimension of 4m and a grade no steeper than 1 in 20.

It is assessed that there are more than adequate private open space areas maintained on site to cater for a range of amenity needs including full and partial privacy.

4.2.4 Locality Specific Development Controls

Character as Viewed from Public Place

The proposed swimming pool integrates with the natural landform and will sit within a landscaped setting. The structure will not be visible from the street or readily discernible as viewed from Newport Beach or its immediate environs.

Building Colours, Materials and Construction

The proposal utilises a glass balustrade to ensure that the pool and fencing structure blends into the vegetated coastal escarpment.

4.3 Matters for Consideration Pursuant to Section 79C(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 79C 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 Urban Affairs and Planning. The relevant issues are:

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

The development responds positively to the relevant outcomes and built form controls of the Pittwater 21 Development Control Plan. The proposal is permissible pursuant to the provisions of Pittwater LEP 2014.

4.3.2 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 on 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 development will achieve the objectives and intent of the Council's planning regime set out in the LEP and the applicable DCP. The development has been found to be consistent with the desired future character statement for the Newport Locality.

- 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?*

The proposed development will have no significant impacts on the adjacent properties. The development maintains good levels of aural and visual privacy, maintains a view sharing scenario and maintains established levels of solar access.

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 proposed development provides appropriately for resident and informal visitor car parking and has good access to public transport.

Public domain

The proposed development will relate positively to the public domain.

Utilities

Existing utility services will adequately service the development.

Waste

Normal domestic waste collection applies to this development.

Natural hazards

The site is affected by potential geotechnical hazard. The hazard has been adequately considered in the accompanying report. The site has been found to be appropriate for the development proposed.

Economic impact in the locality

The proposed development will not have any significant economic effects in the area.

Site design and internal design

- i) *Is the development design sensitive to environmental conditions 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?*

The impact of the proposal with respect to design and site planning is positive. The scheme is in accordance with the thrust of the planning regime and results in a high standard of design.

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 be able comply with the provisions of the Building Code of Australia without difficulty. 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?*

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

4.3.3 The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments 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?*

The adjacent development does not impose any insurmountable development constraints. The design has had regard to the geotechnical characteristics of the site.

The site is well located with regards to utility services and public transport. There will be no excessive levels of transport demand created.

Are the site attributes conducive to development?

The site has no special physical or engineering constraints and is suitable for the proposed development.

4.3.4 Any submissions received in accordance with this Act or the regulations.

It is envisaged that any submissions made in relation to the proposed development will be appropriately assessed by Council.

4.3.5 The public interest.

It is considered that the development will result in a significant addition of good design to the locality. The development is consistent with the adopted planning regime. Approval would not be antipathetic to the public interest.

4.0 CONCLUSION

The proposed swimming pool at the property known as 19 Calvert Parade, Newport represents an appropriate development of the land.

This report demonstrates that the swimming pool will not give rise to any unacceptable environmental impacts, residential amenity impacts or streetscape consequences.

The 100mm non-compliance with the minimum 1 metre side boundary setback P21DCP control has been acknowledged and appropriately justified having regard to the associated objectives. Such minor variation succeeds pursuant to section 79C(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the relevant considerations pursuant to S.79C of the Environmental Planning & Assessment Act 1979 (as amended) the proposed development is appropriate for approval.



Greg Boston
Director