

# STATEMENT OF ENVIRONMENTAL EFFECTS

In relation to a proposed new dwelling

at

89 BEACHVIEW ESPLANADE  
MACMASTERS BEACH NSW 2250



August 2020

By



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# 1.0 GENERAL

## 1.1 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of a development application for demolition of a single-storey cottage & construction of a new two-storey lightweight dwelling house. It addresses the relevant statutory planning framework within which the development application is to be assessed and determined.

## 1.2 SITE DESCRIPTION

The site is known as Lot 7 DP25246, or No. 89 Beachview Esplanade, MacMasters Beach. The site has an area of 695.5m<sup>2</sup> & is moderately sloping down from the street. The land is zoned R2 (Low Density Residential).

## 1.3 EXISTING DEVELOPMENT

The site is currently occupied by a single-story, 3-bedroom, fibre-cement home with a freestanding double-garage.



Plate 1 - View of existing garage from the street.



Plate 2 - View of existing house from rear of garage.

## 1.4 EXISTING SERVICES

Existing council sewer & water services are currently connected to the site and their position is indicated on the Site Analysis drawings. Aerial power & phone are also connected to a consumer pole & shown on the drawing. There is no kerb & channel in the street & no evidence of the existence of a stormwater main available to the site. There is no mains-gas available to the site.

## 1.5 PROPOSED DEVELOPMENT

It is proposed to retain the existing garage at the street-front and demolish the cottage. In its stead it is proposed to construct a four-bedroom home on two levels. The property will continue to be used as a permanent residence. The design is described on the following drawings:

## **2.0 GOSFORD LEP 2014**

The proposed development is for the purpose of a dwelling house as defined under the provisions of the LEP. The proposed development is permissible within an R2 Low Density Residential zone with the consent of Council.

The objective of Zone No. R2 is:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

Dwelling houses are listed as permissible with consent. The proposed development is consistent with the objectives of the zone in that it has a low-density form which is domestic in scale.

### **2.1 PRINCIPAL DEVELOPMENT STANDARDS**

- The restriction on Floor Space Ratio within the R2 Low Density Residential zone is mapped as 0.5:1. The proposed building has a FSR of 0.24:1 and is compliant with respect to Floor Space Ratio. Refer to detailed discussion of FSR in clause 3.3.01 below.
- The restriction on building height within the R2 Low Density Residential zone is mapped as 8.5m. The proposed building exceeds the maximum building height controls by less than 10%. Refer to a detailed discussion of building height in clause 3.3.04 below.
- An application for an exception to a development standard (height) under Clause 4.6 of Gosford LEP 2014 is included in the online application.

### **2.2 MISCELLANEOUS PROVISIONS**

- Vegetation preservation - The LEP aims to preserve the amenity of the area by preserving trees & vegetation. No vegetation removal is proposed.
- Heritage Conservation – the site is not mapped by Council as being of heritage value. The owners have not discovered evidence of any Aboriginal artefacts or earlier Aboriginal occupation during the time they have owned the property. The footprint of the proposed building remains largely within that of the existing. There is currently no tangible reason to suggest that the site would constitute an Aboriginal place of heritage significance. An AHIMS search has been conducted, the results of which are shown below:

Angus Crowe  
PO Box 6188  
Kincumber New South Wales 2251  
Attention: Angus Crowe  
Email: anguscrowe22@gmail.com

Date: 22 July 2020

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 7. DP:DP25246 with a Buffer of 200 meters. conducted by Angus Crowe on 22 July 2020.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

### 2.3 ADDITIONAL LOCAL PROVISIONS

- Acid Sulphate Soils - LEP mapping identifies the site as Class 5 (no known occurrence). Refer to detailed discussion in Clause 3.4 below.

## 3.0 GOSFORD DCP 2013

Gosford Development Control Plan 2013 applies to the proposed development. The following information is provided in relation to the relevant chapters of the DCP.

### 3.1 CHAPTER 2.1 - CHARACTER

The subject site is located in an area identified as **MacMasters Beach 5: Woodland Hillsides** within Part 2 of the DCP. The proposed dwelling will not be inconsistent with the

Desired Character for this area. The subject site will remain a leafy, low-density residential use, conserving natural and scenic qualities of the bushland backdrops.

The desired character of the area & the existing streetscape quality & amenity is maintained through the following methods:

- The proposed works to the dwelling comprises a two-storey dwelling largely within the modest footprint of the existing cottage & does not necessitate the removal of any vegetation, preserving the natural & scenic character of wooded hillside & and the continuity of tree-canopy that is provided by existing bushland remnants.
- The proposed dwelling is of light-weight suspended construction and avoids the need for excavation or cut & fill, leaving the natural hillside & trees unaffected.
- The leafy garden character is emphasised by avoiding tall retaining walls, elevated structures such as terraces or pools, and steep driveways that would visibly compromise the existing bushy hillside character.
- Parking is located next to the street to avoid disturbing natural slopes & trees.
- The siting of the dwelling well back on the block avoids a continuous wall of development along the street.
- The high level of articulation, the integration of lightweight materials and finishes as well as employment of window boxes on the facades helps minimise the visual scale of the building.
- Roofs are flat to minimise the height of ridges and the impact on views of the western neighbour across side-boundaries.
- The proposed balconies have been located to maintain the existing levels of privacy and amenity that are enjoyed by neighbouring dwellings.

### **3.2 CHAPTER 2.2 - SCENIC QUALITY**

The site lies within the 'South Coastal' Geographic Unit. The MacMasters/Copacabana Landscape Unit is largely rural in nature. The area is listed as having State significance and State-wide scenic value. It is an outstanding example of a traditional coastal settlement with many of its natural and cultural attributes intact.

MacMasters has a more traditional and vernacular, smaller scale, more protected and more vegetated character, with many older buildings. The scenic character derives from a contrast of qualities and an overall informality, combined with a spectacular natural setting, low density and a small scale of development. The absorption capacity is low. Visual sensitivity is high. The detracting elements are overscale and prominently sited residential buildings, and large developments on visible slopes.

Development objectives are generally relevant to broader zoning & use issues but not specific to development within the subject site. Although the site is in a visually sensitive area with low absorption capacity, the proposed dwelling is highly compliant with respect to FSR & Site Ratio and considered appropriately low-density. The design achieves a lightweight suspended solution to avoid excavation. Although the proposed building height is not strictly compliant, the effects of this have been mitigated in the design by use of flat roofs & parapet walls within a concentrated footprint. Appropriate siting has been used to take advantage of the topography & avoid interference with the tree canopy.

### **3.3 CHAPTER 3.1 - DWELLING HOUSES & ANCILLARY STRUCTURES**

Development Control Plan – Dwelling Houses, Secondary Dwellings and Ancillary Structures applies to the proposed development. The following information is provided in relation to the relevant sections of the DCP.

### 3.3.01 SITE OCCUPANCY

The proposed dwelling will have a total gross floor area of **165.93 m<sup>2</sup>** and a floor space ratio of **0.24:1**. This ratio compares favourably with the minimum floor space ratio of 0.5:1 nominated for the R2 zone. A total of **77%** of the site is occupied by Open Space Area which is well over the minimum 40% required by the DCP. Refer to Council Compliance Plans on drawing **DD-14**.

### 3.3.02 SETBACKS

#### BUILDING LINE SETBACK

The proposed wall of the house is setback more than **23m** from the front boundary to Beachview Esplanade.

#### REAR SETBACK

The proposed rear setback measured to the balcony posts is in excess of **10.4m**, more than 4m in excess of Council's minimum setback.

#### SIDE BOUNDARY SETBACK

The western side-boundary setback is more than **2.2m** to the proposed ground-floor wall and **1.95m** to the proposed first-floor wall. Section C on drawing **DD-16** demonstrates the compliance of this boundary setback which is in excess of the minimum setback of 1.89m on the upper level. It should be noted that the topography is such that the western neighbour is elevated well above the subject dwelling.

The proposed setback to the upper wall of the dwelling on the eastern side of the dwelling is **2.125m** and in excess of the minimum setback of 1.925m. The setback to the proposed deck on both levels is **1.665m**. A small portion of the roof over the deck protrudes past this line & is shown shaded in pink on Section D. It should be noted that setbacks are generally measured to the wall of the dwelling and the proposed deck itself is an open structure which lessens the apparent bulk & scale of the dwelling. The adjacent dwelling (No 87) is set well-back from its rear boundary so that there is no impact at all on its amenity from this possible non-compliance.

The setbacks of the proposed dwelling are indicated on the general arrangement plans **DD-04 & 05** & on Section C & D on **DD-16** submitted with this application. It is proposed that the design achieves the objectives of side-boundary setbacks by ensuring the privacy & amenity of the relevant neighbouring property. The nature & scale of the potential non-compliance is of little consequence for the reasons stated above. It is requested that Council grant a relaxation.

### 3.3.03 CAR PARKING

Refer to clause 3.9 below discussing Chapter 7.1 of the DCP.

### 3.3.04 HEIGHT RESTRICTIONS

The DCP provides the following objectives:

- a To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality
- b To ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views

- c To ensure that building height is compatible with the scenic qualities of hillside and ridgetop locations and respects the sites natural topography

It is proposed that the design achieves the objectives above by being largely compliant with respect to height & setbacks. The desired streetscape character is achieved, and the impact on views from properties across the road is zero. Privacy is preserved & overshadowing almost nil. The proposed addition is well set back from the road & hence will not dominate the streetscape.

The DCP defers to the LEP on building height & adopts its 8.5m maximum height-limit for the R2 Zone. The 8.5m height-plane perspective on **DD-15** demonstrate that two portions of the proposed roof protrude above the 8.5m height-plane. The section of roof on the western side of the site forms a clerestory light over the Living Room and allows high-level windows to get natural light & ventilation into this important space.

The portion of roof on the eastern side that is over-height is the deck roof. The 9.35m height-plane perspective also shown on **DD-15** demonstrates that the two over-height areas of the proposed roof are less than 10% above the nominated maximum. The siting of the proposed dwelling in the bottom corner of the site and the local topography ensures that the impact of the additional height is minimal and would cause no overshadowing. The neighbouring home on the western side-boundary is a pole home which is entirely suspended above ground level & is also elevated at least 3m above the subject dwelling. It should be noted that the roof eave nearest the neighbouring property is fully compliant. This portion of the roof renders the over-height part on the eastern side invisible from this property. Refer to the 'view from the balcony of western neighbour No 91' on **DD-16**.

It is proposed that the minor non-compliance with respect to building height would be almost undetectable to the neighbouring properties across Beachview Esplanade because of their large separation & significant difference in elevation. Refer to the 'view from the balcony of No 56 across street' on **DD-16**.

It is requested that Council grant a relaxation for Building Height. The proposed dwelling is compatible with the height, bulk and scale of the existing and desired character of the locality noting that much of the existing housing was developed under a 10.5m height limit. The height of the dwelling still protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, and privacy due to its position on the site & its diminutive scale. The proposed height is also compatible with the scenic qualities of the hillside location and respects the site's natural topography. An application for an exception to a development standard (height) forms part of the on-line application under Clause 4.6 of Gosford LEP 2014.

### **3.3.05 CUT & FILL**

No major excavation is proposed for the project. Minor spoil will be incurred due to screw-pile footings & detailed excavation will be required for tie-beams & water tanks in the sub-floor storage space. Adequate erosion control measures will be employed in accordance with the Erosion and Sedimentation Control chapter 6.3 of the DCP.

### **3.3.06 FRONT FENCES**

The property currently has no front fence and no new fencing is proposed.

### **3.3.07 CLOTHES DRYING AREA**

The continued use of a freestanding clothes line is indicated in the rear garden on the Site Plan on drawing **DD-03**. A collapsible wall-mounted line is proposed in the under-cover area outside the Laundry for inclement weather conditions – refer to Ground Floor Plan on drawing **DD-04**. Due to the elevated nature of the western neighbour's site & house, visibility of these two drying areas is limited & discreet in nature.

### 3.3.08 EXT' COLOURS & REFLECTIVITY OF BUILDING MATERIALS

The requirements of the DCP have been addressed in the selection of external materials & finishes that are suited to the coastal environment. Refer to the more detailed comments made in the preceding chapters 2.1 & 2.2 regarding Scenic Quality and Character for a detailed response to these objectives. Consideration has been given to the use of a varied palette of materials that are lightweight & textured. The drawings demonstrate a varied palette of textured finishes - refer to the finishes noted on the elevations on drawings **DD-10**.

### 3.3.09 DRIVEWAYS

The existing driveway arrangement is to remain unchanged.

### 3.3.10 CONSIDERATION OF VIEWS

The footprint of the proposed dwelling is modest in size and its position on the site is set back more than 23m downslope from the front boundary. The proposed design is compliant with respect to front, rear & side-boundary setbacks as discussed in 3.3.02 above. The proposed scale of the development is modest in scale as evidenced by very low FSR & Site Coverage discussed in 3.3.01 above.

Neighbouring properties with any potential impact on primary water views to Copacabana headland & Allagai Bay to the north-east & east include the upslope homes across Beachview Esplanade (No 56 & No 58) and the home immediately on the western side-boundary (No 91). The impact on views for the homes across Beachview Esplanade would be minimal, primarily due to mature vegetation on those properties that obscures this direction of viewing, but also because of the large separation between the houses & the subject dwelling & the significant difference in elevation between the blocks due to the topography. Refer to the 'approx view from the balcony of No 56 across street' on drawing **DD-16** which demonstrates the proposed dwelling's position relative to the adjacent properties rooflines & relative to the horizon (shown as a blue background fill) & the adjacent tree canopy. It is proposed that the minor non-compliance with respect to building height would be almost undetectable to these two properties because of the generous distance that separates them from the proposed dwelling.



Plate 3 - View of No 56 Beachview Esplanade.



Plate 4 - View of No 58 Beachview Esplanade.

No 91 which is separated more than 5m to the west from the proposed dwelling and elevated some 3m above the subject site, will experience some impact from the dwelling. The outlook

from this property to the proposed dwelling is across their side-boundary. No 91 is a single-level pole-home which is entirely suspended above ground as much as 5.8m at its highest point & whose floor level is elevated 2.67m above the proposed upper-floor level of the subject dwelling. Primary views from the property's rear deck & living areas to the north across their rear-boundary are wholly unaffected. Views to the north-east start to be impacted from within the home however Copacabana headland is still visible through the trees from their primary outdoor space - refer to the 'View from balcony of Western Neighbour' shown on drawing **DD-16**. Views to the east from the narrow walkway along the eastern façade & the windows along it, are impacted to a lesser extent as a view corridor to Allagai Bay should remain available across the subject site. Views to Copacabana headland will largely be obscured by the roof of the proposed Living Room from this walkway.

It should be noted that effectively the entire length of the proposed roof eave closest to No 91 is fully compliant with the 8.5m height limit. This section of roof which is compliant with respect to height, renders the over-height portion of the roof on the eastern side of it, invisible from No 91. Refer to Plate 5 below.



**Plate 5 - View of from rear deck of No 91 Beachview Esplanade showing 8.5m height plane.**

The effect of the proposed dwelling on the immediate neighbours' views has been demonstrated to be constrained to a relatively limited length of quite a long side-boundary and to be of an acceptable degree given the high-degree of compliance with respect to setbacks, FSR & Site Coverage. The proposed minor non-compliance with respect to building height will have very little additional impact on views & therefore would be almost inconsequential to improving view sharing.

### **3.3.11 CONSIDERATION OF PRIVACY**

The proposed new dwelling house is likely to have minimal impact on privacy for the two adjoining houses to the east & west. Consideration has been given to maintaining privacy in the design of the proposed dwelling. The majority of larger openings face towards the north & east where there are few potential privacy impacts. The property to the east is set more than 7m away back up the slope & is obscured by mature trees while sitting elevated above the subject dwelling. Openings on the eastern façade are limited to four in number and are modestly sized windows with window hoods that provide both sun protection & a degree of visual privacy through the use of plant-pots at the window sill. The properties to the north are set more than 20m downslope & are obscured by mature trees & sit well below the subject dwelling with their outlooks facing away from the dwelling, towards the view. There is negligible risk of privacy loss for either the adjacent homes or the subject dwelling.

As mentioned above, the property to the west of the subject site (No 91) is a single-level pole-home which is entirely suspended above ground as much as 5.8m at its highest point & whose floor level is elevated 2.67m above the proposed upper-floor level of the subject dwelling. The dwellings will be set apart over 5 horizontal metres at their closest point. Openings on the proposed western façade of the upper level are limited to four in number. Two are high-level clerestory windows that don't pose any risk of privacy loss & the other two are modestly sized windows with window hoods that provide both sun protection & a degree of visual privacy through the use of plant-pots at the window sill – refer to the 'View from balcony of Western Neighbour' shown on drawing **DD-16**.

The impact on privacy for the adjoining properties has been minimised to an acceptable degree.

### **3.3.12 TREES & LANDSCAPING**

All existing trees and vegetation on site are to be retained.

### **3.3.13 CONSIDERATION OF OVERSHADOWING**

Although the proposed dwelling is two storeys, its position relative to north & position in the rear, bottom corner of the site, remote from its eastern & northern neighbours, ensures it has no impact on adjacent dwellings & little impact, if any, on their primary outdoor spaces. Additionally, the relative low elevation in relation to its western neighbour, which is a fully suspended pole home, ensures that the proposed dwelling will have minimal impact on the home & its deck.

### **3.3.14 BUSHFIRE**

The subject site is identified as 'Buffer' on Council's Bush Fire Prone Land map. A Bushfire report has been prepared by Clarke Dowdle Consultants & is appended to this application. Construction requirements nominate the site as BAL 12.5 and the whole of the site is to be maintained as an Inner Protection Area of an APZ.

## **3.4 CHAPTER 6.1 - ACID SULPHATE SOILS**

LEP 2014 mapping identifies the site as Class 5 (No known occurrence). It is proposed that screw pile footings are to be utilised so very little excavation or spoil is anticipated. It is proposed that no specific precautions or management plan is required.

## **3.5 CHAPTER 6.3 - EROSION & SEDIMENTATION CONTROL**

The extent of ground works is limited to screw pile footings & tie beams. The site is not mapped as Flood Prone & with proper erosion & sedimentation control measures, the likelihood of erosion on the site during the construction period, is low. The builder will implement silt fences if necessary, prior to & during construction in accordance with Chapter 6.3 of the DCP.

## **3.6 CHAPTER 6.4 - GEOTECHNICAL REQUIREMENTS**

The proposed new works is largely confined within the current footprint of the existing house & is restricted to lightweight construction. Limited detail excavation is necessary for tie-beams for the new screw pile pier-caps supporting SHS posts. No trees are proposed to be removed, no major changes are proposed that will affect the hydrology of the site or increase the slip risk of the property. The subject site is mapped by Council as having a slip risk & is nominated as 'Category 2 – Medium Hazard Area'. The grade of the site is moderate. A Geotechnical investigation was conducted by 5QS Consulting Group in October 2017 and classified the site as 'P' due to the presence of sandy foundations – a copy of the report is appended to this application. A structural Engineer has been engaged to design the footings & framing for the project based on the Geotechnical Engineers recommendations.

### **3.7 CHAPTER 6.6 - PRESERVATION OF TREES OR VEGETATION**

All existing trees and vegetation on site are to be retained.

### **3.8 CHAPTER 6.7 - WATER CYCLE MANAGEMENT**

The proposed development requires a minimum of 3,376L of on-site water retention as per Council's DCP calculations – refer to calculations on the Water Cycle Plan on **DD-17**. BASIX water retention targets are shown on drawing **DD-20**. The proposed system will include the following:

- Stormwater from driveway & hardstand areas are piped directly to the ground dispersion trench.
- Rainwater from the existing garage roof to be connected to the existing 3,000L rainwater tank (Tank 1) with overflow to Tanks 2 & 3. The entire volume of this tank is available for car-washing & garden use.
- Rainwater from the house roof will be connected to 2 x 2,000L tanks (Tanks 2 & 3) under the house deck. 2,500L of the volume of these tanks is available for toilets, washing & garden use.
- Overflow & slow release from these two tanks connects to a ground dispersion trench in the back yard.
- Plumbing fittings demonstrate minimum standards defined by the Water Efficiency Labelling and Standards (WELS) Scheme. Refer to the ratings nominated on the BASIX Certificate appended to this application.

The development is designated as Type 1 category. Compliance is required to be demonstrated against applicable stormwater targets. These targets are:

#### **RETENTION**

The objective is to capture and retain runoff from impervious surfaces retain it for a relatively long time, and slowly release it elsewhere in the water cycle within 7 days. The proposed development demonstrates compliance with Council's Retention Target using the Deemed to Comply criteria, as outlined in Section 6.7.7.2.4 – refer to drawing **DD-17** for Water Cycle Plan, calculations & areas.

#### **STORMWATER QUALITY**

Stormwater quality is not a required target on the Development Control Targets Matrix

#### **ON-SITE DETENTION**

Detention is not a required target on the Development Control Targets Matrix.

#### **LOCAL OVERLAND DRAINAGE**

The site falls from the street towards the rear of the property with a moderate amount of cross fall. The proposed new works has no effect on overland flow paths.

#### **FLOODING**

The site is located on a hillside & is not mapped as being subject to flooding.

### **3.9 CHAPTER 7.1 - CAR PARKING**

Car parking is provided within the proposed property & accessed via Beachview Esplanade. A total of 2 car parking spaces are provided on site, both in the existing garage which is to be retained. An existing hardstand on the driveway allows vehicles to exit the property in a forward gear.

### **3.10 CHAPTER 7.2 - WASTE MANAGEMENT**

A Waste Management Plan has been prepared for the proposed development in accordance with the requirements of this chapter of the DCP and is appended to this application.

## **4.0 STATE ENVIRONMENTAL PLANNING POLICIES**

### **4.1 SEPP 2004 (BUILDING & SUSTAINABILITY INDEX BASIX)**

The proposed new residence require a BASIX Certificate – refer to the certificate appended to this application. The proposed house has been designed to minimise energy consumption & maximise thermal comfort wherever possible. The design provides natural light into all spaces whilst also providing shading, cross ventilation & insulation to avoid unnecessary heat gain. BASIX commitments are nominated on the drawings - refer to drawing **DD-20**.

## **5.0 LIKELY ENVIRONMENTAL SOCIAL AND ECONOMIC IMPACTS**

There are likely to be few, if any, environmental impacts associated with the proposed development. The site is already developed. Construction is restricted within the site & is unlikely to have any affect on threatened species, populations or endangered ecological community or their habitats. There are no known items of aboriginal, archaeological or cultural heritage significance to the land. The proposed dwelling house will not cause any unreasonable impact on the amenity of adjoining properties.

## **6.0 SUITABILITY OF THE SITE FOR DEVELOPMENT**

The site is suitable for the development by virtue of its location, topography & zoning. The proposed development is unlikely to result in any significant impacts on the surrounding environment. There are no approvals of any kind listed in Section 91(1) of the Act that must be obtained for the development to be lawfully carried out.

## **7.0 PUBLIC INTEREST**

The proposed development is not contrary to the public interest. The proposed development is consistent with the relevant objectives of the zone and will not have any significant impacts on the environment.

## **8.0 CONCLUSION**

The proposed development is permissible within the R2 Low Density Residential Zone with the consent of Council and is consistent with the relevant objectives of the zone. An assessment of the proposed development has been performed in accordance with State & Regional Environmental Planning Policies, Gosford LEP 2014, & Gosford DCP 2013 and demonstrates the proposal largely complies with the requirements of the LEP and DCP. The proposed development will not have any significant impact upon the natural environment and the land is not susceptible to any natural hazards to any extent that would warrant refusal of this development application.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 79C (1) of the Environmental Planning and Assessment Act, 1979, and is worthy of favourable consideration by Council.

## SECTION 4.6

An application for an exception to a development standard (height) under Clause 4.6 of Gosford LEP 2014 is requested.

It is proposed that the proposed design achieves objective b) of the standard (high quality urban form) by utilising a minor amount of additional building height to achieve a higher quality urban form through the use of a pop-up roof with clerestory windows over the Living, Dining, & Kitchen area. The roof design also achieves objective c) of the standard (exposure to sky & sunlight) by allowing entry of high-level natural light into the Living spaces and views out of the sky without causing overshadowing or impinging on neighbour's privacy.

Objective d) aims to provide appropriate transition in built form. It is proposed that, as per test 1 of the NSW Land Environment Court's Five Part Test, the objective of the standard is achieved notwithstanding non-compliance given that much of the existing housing in the area was developed under an earlier 10.5m height limit and a less abrupt transition would be achieved. It should also be noted that the Draft LEP proposes an increase in building height

Objective e) aims that the location of the taller portion of the proposed building is appropriate in relation to view corridors and done in a manner complimentary to the local topography. The proposed addition is well set back from the road & hence will not dominate the streetscape or impinge on neighbours' views from across the street. The siting of the proposed dwelling in the bottom corner of the site and the local topography together ensures that the impact of the additional height is minimal and would cause no overshadowing.

The only affected neighbour (No 91 on the western side-boundary) is a pole home which is entirely suspended above ground level & is also elevated at least 3m above the subject dwelling. It is important to note that the outlook from this property to the proposed dwelling is across their side-boundary. No 91 is a single-level pole-home which is entirely suspended above ground as much as 5.8m at its highest point & whose floor level is elevated 2.67m above the proposed upper-floor level of the subject dwelling. Primary views from the property's rear deck & living areas to the north across their rear-boundary are wholly unaffected. It should be noted that the part of the proposed roof nearest this property is the least over-height portion. At worst, this eave projects 700mm above the 8.5m height plane & tapers away to zero for a section of roof only 4m in length. The section of roof which is compliant with respect to height, renders the over-height portion of the roof on the eastern side of it, invisible from No 91. Refer to Plate 5 'View of from rear deck of No 91 Beachview Esplanade showing 8.5m height plane' on page 5 of the Statement of Environmental Effects. It is proposed that, as per test 3 of the Five Part Test, the underlying object of purpose would be thwarted if compliance was required and therefore compliance is unreasonable.

Objective f) is achieved because public open space is unaffected by the design due to a generous front boundary setback.