

## Statement of Environmental Effects

Proposed Development | **Alterations and Additions to Dwelling**

Property Address | **39 Headland Road, Boomerang Beach NSW 2428**

Property Description | **Lot 72 DP 200167**

Property Owner | **T & M Gilbert**



**10 April 2025**

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## 1. Summary

### 1.1. Overview

This proposal seeks development consent for alterations and additions to an existing dwelling on a residential allotment located at 39 Headland Road, Boomerang Beach. The subject land contains an existing single storey dwelling. The proposed development includes a request for a minor variation to building height, subject to clause 4.6 of the Great Lakes LEP 2014.

### 1.2. Scope of Report

This Statement of Environmental Effects has been prepared to accompany the development application for the proposed development and provides information as required by the *Environmental Planning and Assessment Act 1979* (EP&A Act) to assist in the assessment of the proposal. This document addresses matters that are required to be considered by the consent authority under the provisions of clause 4.15 of the EP&A Act.

## 2. Site Description

### 2.1. Site Details & Description

<b>Property Address:</b>	39 Headland Road, BOOMERANG BEACH NSW 2428
<b>Land Description:</b>	Lot 72 DP 200167
<b>Zoning:</b>	R2 –Low Density Residential Zone
<b>Site Area:</b>	613m <sup>2</sup>
<b>Owner:</b>	T & M Gilbert

The subject land (the site) comprises land described as Lot 72 DP 200167 and is located at 39 Headland Road, Boomerang Beach.

The site contains an existing single storey dwelling on the southern portion of the land, comprising two (2) bedrooms, two (2) bathrooms with open plan kitchen, dining and living areas. The dwelling has a gross floor area of approximately 103.3m<sup>2</sup>.

The site also contains an elevated parking platform connected to the dwelling by a series of staircases and walkways. A large verandah extends from the northern side of the dwelling. A small courtyard and landing area extends from the southern elevation of the

dwelling. The southern portion of the land is vacant, however contains vegetation comprising exotic and native species.

The irregular shaped lot is bound by Headland Road along its southern boundary. Adjoining allotments to the east, south and west comprise residential zoned land. Existing dwellings are located on the land to the south and east. The land to the west is currently vacant and contains several mature trees. Primary access to the site is obtained via Headland Road.

The allotment is zoned R2 Low Density Residential zone under the provisions of the Great Lakes Local Environmental Plan 2014 and has a site area of approximately 613m<sup>2</sup>.

The landform comprises a significant slope comprising 35%, extending from the southern to northern boundaries. The land is classified as being bushfire prone, however is not identified as being flood prone land. The site contains class 5 acid sulfate soils.

A locality map and landuse zoning map depicting the subject land is provided in Figures 1 and 2 below.



**Figure 1: Site Locality Plan**

*[source: Midcoast Council online mapping]*





**Figure 2 – Site Landuse Zoning Map**

**[source: Midcoast Council online mapping]**

## 2.2. Site Context and Surrounding Area

The allotment is located within the coastal town of Boomerang Beach, within the MidCoast Council Local Government Area. Boomerang Beach is located approximately 25 minutes' drive south of Forster, the nearest urban centre. The site is located within the southern part of Boomerang Beach, where the built form consists predominantly of single dwellings.

The region around Boomerang Beach is characterised by moderately to steeply sloping coastal headlands and associated ridge lines that gently grade down to lower lying areas. The site is situated at the southern end of Boomerang Beach, on a prominent ridgeline which extends to east towards the Boomerang Point Headland. The site lies approximately 400m west of the headland.

Plates 1 and 2 below depict the existing site conditions when viewed from the southern boundary and from the west, over the adjoining land from Headland Road.





***Plate 1: Image depicting the existing site conditions at 39 Headland Road viewed from the southern (front) property boundary***



***Plate 2: Image depicting the western aspect of the existing site viewed from the west***



## 2.3. Hazards

### 2.3.1. Bushfire and Flood

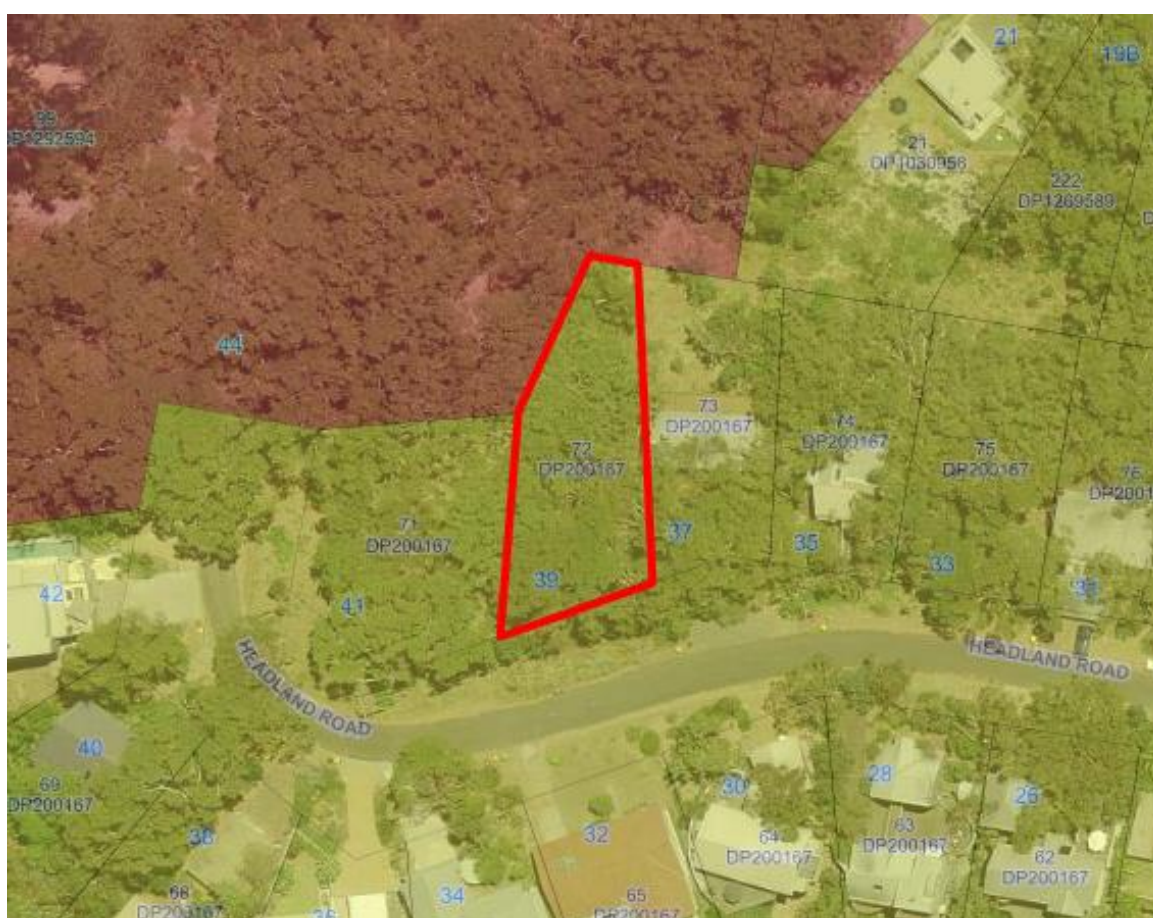
The site is classified as being bushfire prone land on maps held by Council. A map depicting the site located within the mapped bushfire prone area is provided in Figure 3 below.

The site is not mapped as being flood prone land on maps held by Council.

## 2.4. Essential Services

Reticulated water, sewer and electricity are available to the site and currently connect to the existing dwelling. Reticulated electricity and mains water supply are serviced from the Headland Road frontage. Overhead powerlines are located within the Headland Road frontage. A reticulated sewer main is located adjacent to the northern boundary.

The site is also currently provisioned with a domestic waste collection service.



**Figure 3 – Bushfire Prone Land Map**

**[source: Midcoast Council online mapping]**





**Figure 4 – Acid Sulfate Soils Map**

**[source: Midcoast Council online mapping]**

## 2.5. Topography, Soils Characteristics and Vegetation

The site comprises a steeply sloping landform, typical of residential land in the Boomerang Beach and Pacific Palms areas. The site steeply extends from the front (southern) boundary towards the rear (northern) boundary. The average slope across the site is 35% (19.3 degrees).

The subject land is identified as being class 5 Acid Sulfate Soils pursuant to Acid Sulfate Soils maps contained within the Great Lakes Local Environmental Plan 2014. A map depicting the subject land within the Acid Sulfate Soils map area is provided in Figure 4 above.

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## **2.6. Contaminated Land**

The site is not known to be contaminated. No potentially contaminating activities or developments are known to have previously occurred on the land.

## **2.7. Heritage**

### **2.7.1. European Heritage**

There are no items of European heritage listed as being present on the land or adjoining lands. The subject land is not located within a heritage conservation area.

### **2.7.2. Aboriginal Heritage**

An AHIMS search for the site did not identify any Aboriginal sites or places on the land. This particular site is not known to be an area of significance for local indigenous people.

## **2.8. Easements and Restrictions on Title**

The subject allotment is unburdened by any easement for sewer or water. The site is not burdened by any other easements or restrictions on title.

## **2.9. Site Access**

The site gains vehicle access directly from Headland Road, a sealed local road. The existing driveway crossover is formed with a concrete finish and extends to an elevated platform located adjacent to the front boundary. The platform accommodates two (2) parking spaces. Suitable sight distances greater than 40m are available in both directions from the property frontage.

### 3. Proposed Development

#### 3.1. Proposal overview

The proposed development seeks consent for alterations and additions to an existing dwelling. The proposed alterations utilise the existing footprint of the dwelling and seek to include an additional floor level over the existing ground floor level.

The proposed alterations and additions comprise:

- Reconfiguring the existing ground floor level to accommodate an additional bedroom, stair well, laundry and living area
- Construction of a new first floor level comprising an open plan kitchen, dining, living, study area and bathroom
- Construction of a new first floor semi-covered verandah, extending from the northern elevation of the dwelling.

Plans for the proposed alterations and additions are attached in **Appendix A**.

The proposed alterations will result in the dwelling having three (3) bedrooms, three (3) bathrooms, open plan living, kitchen and dining areas. The proposed alterations will result in the completed dwelling having a gross floor area of approximately 177.33m<sup>2</sup>.

No changes will be made to the existing elevated parking platform or connecting stairs located at the street frontage. No changes will be made to the foundations of the dwelling which comprise bearers and joist mounted on concrete piers.

External walls will comprise painted villa board and a low-pitched designed metal roof (shale grey colour).



## 4. Planning Controls & Environmental Assessment

### 4.1. Environmental Planning and Assessment (EP&A) Act 1979

The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is consistent with the objects of the EP&A Act, and will promote good design that is undertaken with careful consideration of the site's constraints. The assessment below provides justification for the development against the relevant matters that must be taken into consideration by the determining authority.

### 4.2. Rural Fires Act 1997

The site is identified as bushfire prone land. Pursuant to Section 79BA of the *Rural Fires Act 1997* the development requires consideration of the objective and measures contained within the NSW RFS document titled *Planning for Bush Fire Protection 2019* (PBP2019).

A bushfire assessment has been prepared by *Australian Bushfire Assessment Consultants* and is provided in **Appendix B**. This assessment addresses section 1.1 and 7.3 of the PBP2019 for infill residential development.

The assessment determined the proposed new works would require BAL-FZ construction requirements. The proposed development is consistent with the objectives and requirements detailed in PBP 2019.

### **4.3. State Environmental Planning Policies**

#### **4.3.1. State Environmental Planning Policy (BASIX) 2004**

The *State Environmental Planning Policy (BASIX) 2004* is applicable to the proposal. A BASIX certificate for the proposed development is provided in **Appendix C**. The certificate demonstrate compliance with the provisions and targets for thermal comfort, and water and energy efficiency as established by the SEPP.

#### **4.3.2. State Environmental Planning Policy (Resilience and Hazards) 2021**

The *State Environmental Planning Policy (Resilience and Hazards) 2021* is applicable to the proposal, specifically Chapter 2 Coastal Management. The subject land is located within the areas categories under the SEPP as being a “coastal use”, as shown in Figure 6 below.

The proposed development is consistent with the provisions contained within the SEPP. Detailed consideration of the relevant provisions of the SEPP are provided in the table below:

Chapter 2 – Coastal Management	
Division 4 – Coastal use area	
Clause 2.11: Development on land within a coastal use area	
Consideration	Comment
Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:	
(a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform	The proposal will not have any adverse impacts any existing public



for members of the public, including persons with a disability,	space, or access to or along foreshores.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposal does not involve significant impact to views, overshadowing or wind funnelling along the foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposal will not impact on the scenic amenity of the coast, including coastal headlands
(iv) Aboriginal cultural heritage, practices and places,	An AHIMs search has not identified any aboriginal cultural heritage places on the land.
(v) cultural and built environment heritage, and	The proposal does not affect any cultural or built environmental heritage
(b) is satisfied that—	
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The proposed development is suitably sited to avoid adverse impacts on the coastal environment.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal will not have any significant impacts on the coastal environment.
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The proposal will not have any significant impacts on the coastal environment.
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposal is consistent with the built environment in the surrounding area.
<b>Division 5 – General</b> <b>Clause 2.12– Development not to increase risk of coastal hazards</b>	
<b>Consideration</b>	<b>Comment</b>
Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal is located outside the mapped coastal risk areas identified by Council's LEP. The proposed development will not increase the risk of coastal hazards on the site or nearby lands.

Clause 2.13 – Coastal management programs to be considered	
Consideration	Comment
Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	There are no specific coastal management controls or programs applicable to the subject land.

## 4.4. Local Environmental Plan

### 4.4.1. Great Lakes Local Environmental Plan (LEP) 2014

The subject land is zoned R2 Low Density Residential zone pursuant to the provisions of the Great Lakes Local Environmental Plan 2014 (LEP). The proposed development is consistent with the relevant objectives of the zone and demonstrates compatibility with the predominant land use in the surrounding area.

Detailed consideration of the relevant provisions of the LEP is provided below:

Development standard	Comments
4.1 Minimum Subdivision Lot Size	Allowable: 450m <sup>2</sup> Existing: 613m <sup>2</sup>
4.3 Height of Buildings	Allowable maximum: 8.5m <b>Proposed: 9.6m</b> <b>VARIATION Requested</b> <b>See Appendix D - Clause 4.6 Variation to Development Standard</b>
4.4 Floor Space Ratio	Allowable: 0.5: 1 (max GFA 306.5m <sup>2</sup> ) Proposed 0.29: 1 (GFA 177.33m <sup>2</sup> )
4.6 Variation to Development Standards	The proposed development seeks a variation to the development standard for height of building. <b>See Appendix D - Clause 4.6 Variation to Development Standard</b>
5.21 Flooding	The subject land is not identified as being flood prone land.
7.1 Acid sulfate soils	The site is mapped as containing class 5 potential Acid Sulfate Soils. No excavation works are required for the proposed development.

7.2 Earthworks	No earthworks are required. The proposed alterations utilise the existing footprint of the dwelling.
7.4 Coastal Risk Planning	The site is not mapped as being within the coastal risk planning area. The proposed development is not likely to increase the risk of coastal hazards on the site or nearby lands.
7.5 Stormwater management	The proposed alterations will not increase the footprint of impervious surfaces on the site. Existing arrangements for the disposal of stormwater to Council's stormwater infrastructure will be retained.
7.21 Essential services	The site is currently connected to all essential services including reticulated sewer, electricity and water services.

## 4.5. Development Control Plan

### 4.5.1. Great Lakes Development Control Plan 2014

The Great Lakes Development Control Plan 2014 (DCP) makes detailed provisions which are applicable to proposed development. The proposed development is consistent with the objectives of the DCP and is generally compliant with relevant provisions.

Detailed consideration of the relevant provisions of the DCP is provided below:

#### 4.5.1.1. Section 4 - Environmental Considerations

DCP Section	Comments
4.1 Ecological Impacts	The site contains an existing dwelling. The proposed alterations utilise the existing footprint of the dwelling and does not require the removal any trees on the site.  It is unlikely the proposed alterations will result in any significant adverse ecological impacts.
4.2 Flooding	N/A -The subject land is not identified as being flood prone.
4.3 Coastal Planning Areas	N/A -The subject land is not identified as being land within a coastal planning area.



4.4 Effluent Disposal	The existing dwelling is currently connected to Council's reticulate sewage system.
4.5 Poultry Farms	N/A – The subject land is not located within the vicinity of a poultry facility.
4.6 Contaminated lands	N/A – The subject land is not identified as being contaminated land. Historical land use does not indicate any evidence of likely contamination.
4.7 Bushfire	The subject land is identified as being prone to bushfire. A bushfire assessment demonstrating the proposals compliance with all requirements of PBP2019 is provided in <b>Appendix B</b> .

#### 4.5.1.2. Section 5 – Single Dwellings and Dual Occupancies

DCP Section	Comments
5.2 Views and Privacy	<p>The proposed additions to the dwelling have been designed with suitable setbacks to adjoining properties to ensure no opportunities for overlooking issues will arise.</p> <p>Given the slope of the landform, the proposed alterations to the dwelling are predominately at or below street level and will not impact on the views of surrounding properties. Additionally views from properties opposite the site in Headland Road are substantially obscured by existing vegetation on the site.</p>
5.3 Energy Efficiency Residential buildings are to comply with SEPP (BASIX) 2004.	The proposed alterations to the dwelling are compliant with the requirements of BASIX. A BASIX Certificate is provided in <b>Appendix C</b> .
5.4 General Building Design  Built form is to be articulated into a series of linked massing elements. Each massing element is to have an overall maximum wall length of 12m. <b>Note:</b> this control does not apply to a single storey dwelling, except when located on a corner block.	<p>The proposed alterations to the dwelling have been suitably designed given the context and constraints of the land and setting. The building utilises the existing footprint and foundation of the existing dwelling.</p> <p>Each massing element has been articulated with architectural elements or contrasting materials to reduce the appearance of the bulk and scale of the dwelling.</p>
Attached garages and carports must have a minimum 500mm	The proposed alterations to the dwelling do not vary the existing parking arrangement previously approved for the

setback from the front building line of the dwelling for which it is provided.	dwelling, which comprises an elevated parking platform adjacent to the front boundary.
Buildings are to contribute to an active street by having a window to a living area or bedroom fronting the primary street	The significant slope of the landform has resulted in the existing dwelling being situated below street level. The dwelling is also setback from the street frontage. As such the proposed additions will not result in building actively contributing to the streetscape.
Building entries/front doors should be directly visible from the street and preferably part of dwelling frontage	The dwelling is located below street level, however the entrance to the dwelling will remain clearly articulated via a pathway and visible from the parking platform.
<b>5.5 Setbacks Residential Zones</b>	
<p><b>Minimum front setback</b></p> <p>The primary road setback should be an average of the setbacks of the nearest two neighbouring houses, with the same primary road frontage</p> <p>Garages, carports and open car parking spaces must be setback at least 6m from the primary road frontage.</p>	<p>The existing dwelling is setback 7.5m from the primary frontage. The proposed addition of the first-floor level is located directly above the existing ground floor level and will maintain the same front setback.</p> <p>The proposed setback associated with the additions to the dwelling are considered appropriate give the context, setting and characteristics of the site.</p>
<p><b>Articulation Zone</b></p> <p>An 'articulation zone' may be incorporated within the front setback.</p>	The existing dwelling incorporates an articulation zone within the front setback, associated with the front courtyard deck and entry staircase.
<p><b>Minimum side setbacks</b></p> <p>A minimum of 900mm for a building with a maximum wall height of 3.8m.</p>	<p>Setback calculations based on wall height of the elements of the dwelling adjacent to the eastern and western boundary are provided below:</p> <p><b>E Elevation</b></p> <p>Proposed wall height closest to the boundary: 6.2m Required setback = 1.5m Proposed setback = 3.49m</p> <p><b>W Elevation</b></p> <p>Proposed wall height at highest point: 6.9m Required setback = 1.65m Proposed setback = 1.8m</p> <p>As detailed above, the proposed setbacks to side boundaries are compliant with the requirements of the DCP. The proposed</p>

	setbacks will not impact on privacy or overshadowing of adjoining lands.
Minimum rear setback A minimum of 3m for a building with a maximum wall height of 3.8m.	The existing dwelling is setback >3m from the property's northern (rear) boundary.
5.7 Cut and Fill	
Visually exposed retaining walls and terraces shall not exceed 0.6m in height on the street frontage and 1.2m in all other areas.	N/A – no retaining walls proposed
Cut and fill involving benched areas for landscaping shall be restricted to a maximum 25m <sup>2</sup> per dwelling.	N/A – no cut and fill proposed
5.8 Private Open Areas	
<p>A ground level outdoor living space is to be provided for each dwelling with direct access from the ground floor main living areas which has a minimum area of 24m<sup>2</sup> and minimum length and width of 4m.</p> <p>Private outdoor living areas are not to be located within the front building line setback to either the primary or secondary street frontages.</p>	<p><u>Yes</u></p> <p>The proposed alterations provide for suitable private outdoor spaces in the rear yard extending from verandahs associated with living spaces on the northern elevation of the dwelling.</p> <p>The site is significantly constrained by a steep landform which does not allow for POS at ground level. POS areas comprise approximately 85m<sup>2</sup>.</p>
5.9 Fencing and Walls	
<p>Fences within the front setback area from a primary road are to be a maximum 1.2m high and a minimum 50% open construction for the upper two thirds of the fence.</p> <p>Fences on corner lots with two road frontages should be constructed with an open form (e.g. pool type fencing) within 3m of a corner to assist with sight distance requirements for drivers.</p>	N/A – No front fencing proposed

Maximum floor area for detached garages.  
Control = 100m<sup>2</sup> for lots with an area greater than 900m<sup>2</sup>.

N/A – No garage proposed.

#### 4.5.1.3. Section 10 – Car Parking, Access, Alternative and Active Transport

DCP Section	Comments
10.3.1.3 Car Parking Rates  Dwellings >125m <sup>2</sup> = 2 car spaces	The existing approved dwelling includes the two (2) off street car spaces on an elevated parking platform, compliant with DCP provisions for parking rates. The proposed development does not seek to alter this arrangement.
10.3.2.1 Car Space Design Controls  Car parking spaces are to be designed in accordance with Australian Standard AS2890.1 and be of the following dimensions: <ul style="list-style-type: none"> <li>• 2.4m x 5.5m for an unenclosed space.</li> <li>• 3.0m x 6.0m for an enclosed space (e.g. between a fence and a house wall or a single garage)</li> </ul>	The existing parking platform is compliant with Council's requirements.
10.3.3.1 Vehicle access and driveways  Vehicle crossovers are to be located a minimum 1m from the side boundary, at the front boundary.  Driveways and crossovers are to be: <ul style="list-style-type: none"> <li>• Limited to one per frontage;</li> <li>• Located to minimise the removal of any existing street trees.</li> </ul> A turning area is to be provided to enable vehicles to enter and leave the site in a forward direction wherever possible.	The existing driveway is compliant with Council's requirements.



#### 4.5.1.4. Section 11 & 13 – Water Sensitive Urban Design and Landscaping

DCP Section	Comments
<b>Section 11 – WSUD</b>	
All development must meet the relevant water quality targets identified for that type of development as set out in the applicable Stormwater Quality Targets table within this DCP, except in the instance of a Council approved Stormwater Strategy or Drainage Plan which will specify the targets to be met for identified parcels of land.	N/A - Council's WSD provisions do not apply to the proposed development.
<b>Section 13 - Landscaped Area</b>	
A minimum of 30% of the site area is to be set aside for landscaping preferably with native vegetation at existing natural ground level and a deep soil zone	The site contains sufficient area for landscaping. More than 30% of the site area will remain landscaped including grass cover and supplementary trees planting.
Deep Soil Zone  At least 50% of the landscape area is to include deep soil zones.	Suitable areas are available for deep soil zones.

#### 4.6. Likely Impacts

The proposal involves alterations and additions to an existing dwelling on a residential zoned allotment. The site is significant contained by a steep landform.

The proposed alterations and additions to the dwelling will not generate any increase in traffic movements. Sufficient car parking spaces are provided onsite for the dwelling.

The proposed alterations and additions dwelling will not contribute to any significant long term noise generating aspects to the surrounding area, with the exception of temporary noise during demolition and construction.

The proposed development is unlikely to result in any significant social, environmental and economic impacts to the site or surrounding area.

#### 4.7. Site Suitability & Public Interest

The site is considered suitable to accommodate the proposed development. The site has access to all essential services and will not impact upon the environment or amenity of adjoining lands.

The proposed alterations and additions to the existing dwelling are consistent with the objectives of all relevant legislative planning controls and is considered to be within the public interest.

### 5. Conclusion

Development consent is sought for the alterations and additions to an existing dwelling in Headland Road Boomerang Beach.

The proposed development is permissible with consent in the R2 Low Density zone. The proposal is compliant with the objectives of the Great Lakes LEP 2014 and the Great Lakes DCP 2014. However given the significant slope of the landform, the proposal seeks a variation to building height, pursuant to clause 4.6 of the Great Lakes LEP.

The proposal is compatible with the character of the local area and is unlikely to result in any adverse effects on adjoining lands.

As demonstrated by this document, the proposed development is unlikely to have any significant environmental impacts with regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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## Appendix A Plans for Alterations and Additions to Dwelling

See Attached

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## Appendix B Bushfire Assessment

See Attached



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## Appendix C BASIX Certificate

See Attached

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## Appendix D Clause 4.6 Variation to Development Standard

See Attached