



*statement of environmental effects*



## NEW DWELLING HOUSE

24 NORMA ROAD  
PALM BEACH NSW 2108

April 2025

**Prepared by Rebecca Englund**  
B Arch Studies | M Plan | MPIA

**Director | Northern Beaches Planning**

**Phone:** 0472 65 74 74

**Web:** [www.northernbeachesplanning.com.au](http://www.northernbeachesplanning.com.au)

**Email:** [rebecca@northernbeachesplanning.com.au](mailto:rebecca@northernbeachesplanning.com.au)



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## *introduction*

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This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Edwina Withers to accompany the lodgement of a development application for the construction of a new dwelling house at 24 Norma Road, Palm Beach (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by Sydney Surveyors
- Architectural Plans by Wooster AD
- Landscape Plan by Dangar Barin Smith
- Arboricultural Impact Assessment by Tree Survey
- Geotechnical Report by Crozier Geotechnical Consultants
- Stormwater Management Plans by Development Engineering Solutions
- BASIX and NatHERS Certificates by Delisle Hunt Wood Pty Ltd
- Shadow Diagrams by RA Walls Constructions
- Waste Management Plan by Wooster AD

## *site details*

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The site is legally identified as Lot 392 in Deposited Plan 19651, and is commonly referred to as 24 Norma Road, Palm Beach. The site is trapezoidal in shape, with a 15.75m wide frontage to Norma Road to the south, a maximum depth of 39.20m and a total area of 644m<sup>2</sup>.

A one and two storey dwelling is situated on the site, with a double garage at the south-western corner fronting Norma Road and a swimming pool to the rear (north) of the dwelling. The land falls significantly from the Norma Road frontage down towards the rear boundary, from a maximum RL of 74.12m AHD along the front boundary and a minimum RL of approximately 60.00m AHD along the rear boundary. Whilst there are a number of canopy trees present on the site, none are of any significance, with retention values ranging from low to moderate.

The site is surrounded by large dwelling houses of varying age and character, that are oriented towards available ocean views.

Norma Road is a two-lane local road which lacks formal kerb and guttering. The roadway is comparably narrow, with limited opportunity for on-street parking.

Aerial images of the site and its surrounds is provided in Figures 1 and 2. Images of the site, the existing dwelling and the streetscape are also provided on the following pages (Figure 3-6).





Figure 1 – Aerial image with site bordered in yellow  
Source: Nearmap



Figure 2 – Aerial image (zoom) with site bordered in yellow  
Source: Nearmap





**Figure 3 – The subject site as seen from Norma Rd**  
**Source: NBP**



**Figure 4 –The existing dwelling (right) and the neighbouring dwelling at 22 Norma Road (left)**  
**Source: NBP**





**Figure 5 – The existing dwelling (left) and the neighbouring dwelling at 26 Norma Rd (right)**  
Source: NBP



**Figure 6 – Development underway on the opposite side of Norma Road**  
Source: NBP

## *proposed development*

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The application seeks consent for the construction of a new dwelling house at the subject site. Specifically, the works include:

- Demolition of the existing dwelling,
- Construction of a new multi-level dwelling comprising:
  - Swimming Pool Subfloor: gym, sauna and powder room,
  - Lower Ground Floor: open plan kitchen/living/dining room, laundry/scullery, powder room, internal stair and lift access, rear terrace,
  - Ground Floor: entry lobby, three bedrooms (two with ensuites), bathroom, sitting room, wine store, internal stair and lift access,
  - First Floor: master bedroom, dressing room, ensuite, rear balcony, store, double garage, internal stair and lift access,
- Swimming pool,
- Access driveway and internal driveway,
- Landscaping, and
- Stormwater infrastructure.

## *legislation, plans and policies*

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The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
  - Coastal Environment Area
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
  - Acid Sulfate Soils Map: Class 5
  - Lot Size Map: 700m<sup>2</sup>
  - Land Zoning Map: C4 Environmental Living
  - Height of Buildings Map: 8.5m
  - Geotechnical Hazard Map: H1
  - Biodiversity Map: Biodiversity
- Pittwater 21 Development Control Plan (**P21 DCP**)
  - Palm Beach Locality
  - Landscaped Area 1

## *environmental planning and assessment act*

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"> <li><i>i. any environmental planning instrument, and</i></li> <li><i>ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></li> <li><i>iii. any development control plan, and</i></li> <li><i>iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i></li> <li><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></li> </ul> <p><i>that apply to the land to which the development application relates,</i></p>	The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement.
(b)	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.
(e)	<i>the public interest.</i>	The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of PLEP 2014 and P21 DCP.



### **Coastal Hazard**

Part of the site is identified as land in the coastal use area on the Coastal Use Area Map. The provisions of chapter 2 of SEPP (Resilience and Hazards) are applicable in relation to the site and this proposal. The application is supported by a Geotechnical Report by Crozier Geotechnical Consultants, which confirms that the proposed development can be undertaken safely with respect to the geotechnical hazards that apply in relation to the site. Further, despite being identified on the Coastal Use Area Map, the site is not identified as being subject to coastal hazards, and as such, a Coastal Risk Management Report is not required.

#### Development on land in the coastal use area

The proposed development is maintained within private property and does not result in any impacts upon safe access to and along the foreshore, beach or headland. The proposed dwelling is well articulated, has been designed to step down the slope of the land, is softened by landscaping and is of a scale that is commensurate with that of surrounding and nearby dwellings.

The proposal has been designed to ensure that impacts upon neighbouring properties and the public domain are appropriately minimised, whilst also providing high levels of internal amenity for residents of the proposed dwelling.

The site does not contain any known items of heritage significance and is not located in the vicinity of any. As such, the proposal is unlikely to result in any impacts upon items of Aboriginal or built heritage significance.

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.11(1) of this policy.

#### Coastal Zone

The proposed development is not likely to cause increased risk of coastal hazards on the land or other land, and the consent authority can be satisfied with respect to section 2.12 of this policy.

### **Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

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

## *state environmental planning policy (biodiversity and conservation)*

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### **Vegetation in Non-Rural Areas**

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

The application is supported by an Arboricultural Impact Assessment Report prepared by Tree Survey, which identifies and assesses potential impacts upon existing trees, with recommendations to ensure that impacts are minimised where trees can be safely retained.

As identified in the Arboricultural Impact Assessment Report, the proposed works necessitate the removal of seven existing canopy trees: five exempt trees and two protected trees (T8 and T24). Of the two protected trees, T8 is in poor health and T24 is of medium landscape significance with a medium retention value. The loss of these trees is not unreasonable and is offset by replacement plantings nominated on the accompanying Landscape Plan.

The proposed development is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

## *state environmental planning policy (sustainable buildings)*

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The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.



## local environmental plan

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The site is identified on the Land Application Map of PLEP 2014 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of PLEP 2014 are considered, as follows:

Clause	Standard	Proposal	Compliance
Clause 2.7 Demolition requires development consent			Yes
Zone C4 Environmental Living			Yes See discussion
4.3 Height of buildings	8.5m	8.5m	Yes See discussion
7.1 Acid sulfate soils	Class 5		Yes
7.2 Earthworks			Yes See discussion
7.6 Biodiversity			Yes
7.7 Geotechnical hazards			Yes
7.10 Essential services			Yes

### Zone C4 Environmental Living

The site is zoned C4 Environmental Living (**C4 zone**) under the provisions of PLEP 2014. Pursuant to the land use table in Part 2 of this instrument, dwelling houses (and associated ancillary development) are permissible with consent.

Clause 2.3 of PLEP 2014 prescribes that the consent authority must have regard to the C4 zone objectives when determining an application within the C4 zone. The objectives of the C4 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.*

The obligation imposed by clause 2.3 of the LEP was described in *Codling v Central Coast Council [2019] NSWLEC 1158* as follows:

*It is clear from the terms of clause 2.3(2) that there is no requirement for development within the zone to comply with, or to achieve, each of the objectives of the zone. Nevertheless, the clause requires that the consent authority “have regard to” those objectives. They are therefore a mandatory consideration in the assessment process and a proposed development ought not be antipathetic to those objectives.*

Council can be satisfied that the proposed development is not inconsistent with the objectives of the C4 zone, for the following reasons:

- The proposed new dwelling is responsive to the context and character of the surrounding locality, with a form and scale that is compatible and commensurate with that of neighbouring and nearby dwellings, and that is generally maintained within the volume of the existing dwelling.
- The dwelling is highly articulated and has been designed to step down the slope of the land.
- The dwelling is maintained below the 8.5m height plane.
- The footprint of the proposed development has been appropriately minimised and is largely maintained within the footprint of the existing dwelling.
- Varied materiality that reflects the coastal seaside location and harmonises with the natural environment is incorporated into the design to further assist in reducing the bulk and scale of the development and to achieve consistency with the desired future character prescribed for the Palm Beach locality.

#### **Clause 7.2 Earthworks and 7.7 Geotechnical hazards**

The site is identified within Area H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Report by Crozier Geotechnical Consultants that addresses the matters prescribed by clause 7.7(3) of PLEP 2014. Further, the application is supported by Stormwater Management Plans by Development Engineering Solutions to confirm that a suitable stormwater management solution has been achieved.

Council can be satisfied that the development will appropriately manage wastewater, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, consistent with the provisions of clause 7.7(4) of PLEP 2014.

Further, Council can be satisfied that the matters outlined in clause 7.2 of PLEP 2014 have been appropriately considered, as follows:

- *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Comment: As above, the proposal is supported by a Geotechnical Report by Crozier Geotechnical Consultants and Stormwater Management Plans by Development Engineering Solutions to ensure that the proposal does not result in disruption or detrimental effects on drainage patterns or soil stability.

- *the effect of the development on the likely future use or redevelopment of the land,*



Comment: The proposed earthworks accommodate the proposed residential development.

- *the quality of the fill or the soil to be excavated, or both,*

Comment: As discussed with regard to SEPP Resilience and Hazards, the site has been used for residential purposes for an extended period of time and does not contain any known sources of contamination.

- *the effect of the development on the existing and likely amenity of adjoining properties,*

Comment: Subject to adherence with the accompanying Geotechnical Report and Stormwater Management Plans, the proposed earthworks will not result in any adverse impacts upon the amenity of adjoining properties.

- *the source of any fill material and the destination of any excavated material,*

Comment: Excavated material will be removed from the site in accordance with the accompanying Waste Management Plan, with clean fill reintroduced in landscaped areas.

- *the likelihood of disturbing relics,*

Comment: The site does not contain any known relics or items of heritage significance, with the proposed development generally confined to existing disturbed areas of the site.

- *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Comment: The site is not located within a drinking water catchment and subject to adherence with the accompanying Geotechnical Report and Stormwater Management Plans, the proposal will not result in any adverse impacts the downslope waterway. The site is identified as being within an environmentally sensitive area by nature of the C4 Environmental Living zoning, however factors that contribute to this description, including the geotechnical hazard affectation and biodiversity values of the site are appropriately managed.

- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

Comment: The proposal has been designed to minimise adverse environmental impacts. Subject to adherence with the accompanying Geotechnical Report and Stormwater Management Plans, the proposed earthworks will not result in any adverse impacts upon the amenity of adjoining properties, with no objection to conditions of consent that impose the requirement for dilapidation reports for neighbouring dwellings and Council assets.

- *the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The site is not in a heritage conservation area, does not contain any known items of heritage significance, and is not in the vicinity of any.

## development control plan

P21 DCP is applicable to the site and the proposed development. The site is identified within the Palm Beach Locality. The relevant provisions of P21 DCP are considered, as follows:

Clause	Control	Proposal	Compliance
A1.7 Considerations before consent is granted	Have regard for the matters for consideration under section 4.15 of the EP&A Act.	The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above).	Yes
A4.12 Palm Beach Locality			Yes See discussion
B1.3 Heritage Conservation – General			Yes
B1.4 Aboriginal Heritage			Yes
B3.1 Landslip Hazard	Development is to comply with Council's <i>Geotechnical Risk Management Policy for Development in Pittwater 2009</i> .	The application is supported by a Geotechnical Report prepared by Crozier Geotechnical Consultants.	Yes
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees.	Proposed tree removal is limited to two protected trees, with remaining trees to be complemented by new landscaping.	Yes
B4.6 Wildlife Corridors			Yes
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is supported by Stormwater Management Plans prepared by Development Engineering Solutions.	Yes
B6.1 Access Driveways and Works on the Public Road Reserve	Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles (which prescribe a maximum gradient		Yes



Clause	Control	Proposal	Compliance
	of 1:4 for driveways within the road reserve).		
B6.2 Internal Driveways	Compliance with AS2890.1		Yes
B6.3 Off-Street Vehicle Parking Requirements	2 spaces (minimum)	2 spaces	Yes
B8.1 Construction and Demolition – Excavation and Fill			Yes
B8.3 Construction and Demolition – Waste Minimisation			Yes
B8.4 Construction and Demolition – Site Fencing and Security			Yes
B8.5 Construction and Demolition – Works in the Public Domain			Yes
C1.1 Landscaping	<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.</p> <p>At least 2 canopy trees are to be provided in the front yard and 1 in the rear yard.</p>	See accompanying Landscape Plans by Dangar Barin Smith.	Yes
C1.2 Safety and Security			Yes
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.		Yes See discussion
C1.4 Solar Access	3 hours of direct sunlight to the main private open space and windows of principal living areas between 9am and 3pm in mid-winter.	The application is supported by Shadow Diagrams by RA Walls Constructions, which confirm that the proposed development will not result in any unreasonable impacts upon adjoining properties with regards to solar access. Rather, the proposal improves solar access to the dwelling at 22 Norma Rd.	Yes

Clause	Control	Proposal	Compliance
C1.5 Visual Privacy	Private open space and living rooms of adjoining dwellings are to be protected from direct overlooking.	The proposed is oriented towards the front and rear of the site and achieves an appropriate balance between maintaining suitable levels of visual privacy and maximising available views.  Privacy screens are proposed, where required, to prevent overlooking of adjoining properties and to ensure suitable levels of privacy for occupants of the dwelling.	Yes
C1.6 Acoustic Privacy			Yes
C1.7 Private Open Space			Yes
C1.12 Waste and Recycling Facilities	All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	The application is accompanied by a Waste Management Plan demonstrating consistency with Council's Waste Management Guidelines.	Yes
C1.13 Pollution Control			Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and Regulation.	The proposed swimming pool is designed in accordance with the Swimming Pools Act and Regulation.	Yes
C1.23 Eaves	450mm (min) eaves to all elevations		Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building.		Yes

Clause	Control	Proposal	Compliance
D12.1 Character as Viewed from a Public Place	Walls without articulation shall not have a length greater than 8 metres to any street frontage.	The proposed development is well articulated, with no walls exceeding 8m in width presenting to the street.	Yes
D12.3 Building Colours and Materials		The proposed development is to comprise neutral tones and natural materials, consistent with the materiality and finishes of surrounding and nearby dwellings.	Yes
D12.5 Front Building Line	Norma Road: 6.5m	First Floor: <b>2.8m</b> (garage) – 8.8m Ground Floor: 6.5m – 8.8m Lower Ground Floor: 8.8m	<b>No</b> See discussion
D12.6 Side and Rear Building Line	East side: 2.5m West side: 1.0m Rear: 6.5m	East side: 2.5m SE side: 1.0m – 1.6m Rear: 7.8m – 8.0m	Yes
D12.8 Building Envelope	Buildings maintained within a plane projected at 45 degrees from existing ground level along the side boundary.	Minor portions of the proposal protrude beyond the prescribed building envelope along both side elevations.	<b>No</b> See discussion
D12.10 Landscaped Area – Environmentally Sensitive Land	60%	60% including permitted variations - See Landscape Coverage Plan (DA.16)	Yes
D12.13 Construction, retaining walls, terracing and undercroft areas			Yes
D12.14 Scenic Protection Category One Area			Yes



#### Clause A4.12 Palm Beach Locality

The site is located within the Palm Beach locality, as identified on the Palm Beach Locality Map of P21 DCP. The proposed dwelling house is consistent with the desired future character identified for the Palm Beach Locality, as follows:

- The dwelling house contributes to the existing low-density residential area.
- The height of the dwelling house will remain below the height of the existing and proposed tree canopy.
- The design of the proposed dwelling house is a highly considered response to the positive attributes and constraints of the site.
- The house is stepped in response to the topography of the land and is limited to two storeys in any one place (above existing ground levels).
- The proposed development is appropriately articulated and incorporates shade elements in order to reduce the visual impact of the development.
- The proposed materiality of the dwelling house will harmonise with the natural environment.
- The proposed development has been designed to be safe from hazards that affect the site.

#### Clause C1.3 View Sharing

In accordance with the provisions of clause C1.3 of P21 DCP, all new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. In accordance with the Views Planning Principle developed by the NSW LEC in the matter of *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140, the notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Most importantly, the notion of view sharing should not be mistaken for view preservation.

Views to the ocean and Barrenjoey Headland are available from adjoining and nearby dwellings. The potential impact upon these views is considered, as follows:

##### 22 Norma Road

The dwelling at 22 Norma Road enjoys expansive views of Palm Beach, Barrenjoey Headland, the Central Coast coastline and the ocean. The views are highly valued, with those from the rear facing windows and balconies being panoramic water views obtained in a seated and standing position.

The views are obtained from all three levels of the existing dwelling over the rear and side boundaries, including the common side boundary with the subject site.

The proposed development has the potential to impact upon the most-easterly portion of the water views currently enjoyed, which are obtained in an easterly direction over the common side boundary - See **Annexure One** for more detail.

As demonstrated on the West Boundary Elevation (**Figure 7**), the proposed dwelling is generally maintained within the volume of the existing dwelling. However, of most relevance, the upper floor is pulled back away from the rear boundary compared to the alignment of the existing dwelling, with greater setbacks from the side boundary. As such, it is likely that the proposal will increase view corridors enjoyed from 22 Norma Road, particularly from the upper rear balcony.

Improvements to views will also be notable at the ground floor rear balcony, as a result of the lowering of the pool level compared to that which currently exists.

It is noted that the western elevation of the upper floor protrudes beyond the prescribed building envelope. However, this element does not impact upon the horizon or water elements of the existing view corridor and is offset by the improvements to views achieved by setting this element of the building back from the rear boundary.

The proposed impact upon views enjoyed from 22 Norma Road is considered to be reasonable and beneficial, and view sharing is considered to be achieved.

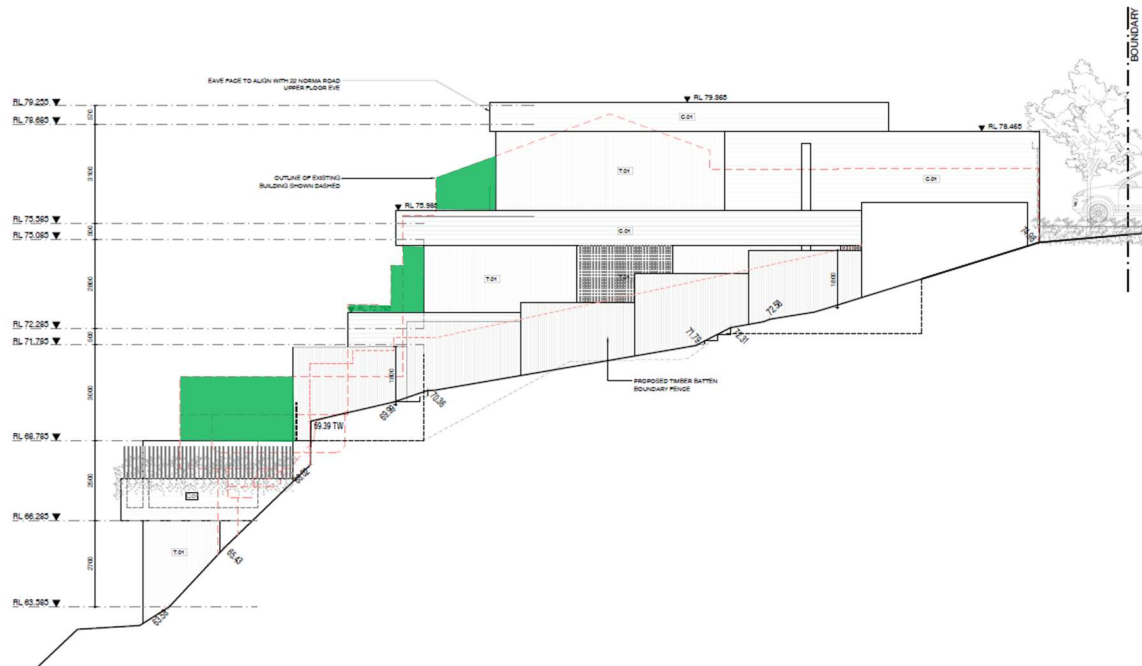


Figure 7 – Extract of West Boundary Elevation with areas for view improvement shown in green  
Source: Wooster AD & NBP

## 26 Norma Road

The dwelling at 26 Norma Road enjoys expansive views of Palm Beach, Barrenjoey Headland, the Central Coast coastline and the ocean. The views are highly valued, with those from the rear facing windows and balconies being panoramic water views obtained in a seated and standing position.

The views are obtained from all three levels of the existing dwelling over the rear and side boundaries, including the common side boundary with the subject site.

The proposed development has the potential to impact upon the most-westerly portion of the views currently enjoyed, which are obtained in a north-westerly direction over the common side boundary. This part of the view corridor comprises vegetation, with no impacts upon beach or water views – See **Annexure Two** for more detail.

Similar to that described in relation to 22 Norma Road, the proposed dwelling is generally maintained within the volume of the existing dwelling. However, of most relevance, the side setbacks to the common side boundary are significantly increased from 0.7m (existing) to 2.5m (proposed) and the upper floor is pulled back away from the rear boundary compared to the

alignment of the existing dwelling. As such, it is likely that the proposal will increase view corridors enjoyed from 26 Norma Road.

The proposed impact upon views enjoyed from 26 Norma Road is considered to be reasonable and beneficial, and view sharing is considered to be achieved.

Overall, Council can be satisfied that the proposal has been skilfully designed to minimise impacts upon views from nearby and neighbouring dwellings and that view sharing has been achieved.

#### **Clause D12.5 Front Building Line**

Clause D12.5 of P21 DCP prescribes a minimum front building line of 6.5m, or the established building line, whichever is the greater. The proposed development is non-compliant in this regard, with a 2.8m setback proposed between the garage and the Norma Road front boundary. However, clause 12.5 of P21 DCP includes expressed variations for parking structures on steeply sloping sites and in consideration of the established building line, both of which are applicable in relation to the subject site.

The application of these variations is warranted, as the proposal is consistent with the outcomes of the clause, as follows:

- *Achieve the desired future character of the Locality.*

Comment: As discussed with regard to A4.12 of P21 DCP, the proposed new dwelling is consistent with the desired future character of the Palm Beach Locality.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The proposed non-compliance with the front building line does not result in any adverse impacts upon views from Norma Road. Rather, the proposed development will result in enhanced views available from Norma Road by virtue of the increased side setbacks proposed (compared to those which currently exist).

- *The amenity of residential development adjoining a main road is maintained.*

Comment: N/A - The site does not adjoin a main road.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment: The proposed development will result in the significant enhancement of native landscaping on the site, ensuring that the visual impact of the resultant development is reduced.

- *Vehicle manoeuvring in a forward direction is facilitated.*

Comment: Vehicle manoeuvring in a forward direction is not facilitated. However, in accordance with clause B6.2 of P21 DCP, this is not required in the circumstances of this site.

- *To preserve and enhance the rural and bushland character of the locality.*



Comment: N/A – The site does not have a rural or bushland character. Nonetheless, the landscaped character of the site is preserved and enhanced by virtue of proposed landscaping demonstrated in the accompanying Landscape Plans by Dangar Barin Smith.

- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

Comment: The front building line non-compliance will not detract from the existing streetscape, noting that the proposed siting of the garage is generally consistent with the location of the existing garage and other garages along Norma Road approved under the same planning instruments.

- *To encourage attractive street frontages and improve pedestrian amenity.*

Comment: The proposal seeks to provide safe and convenient vehicular access and to meet the minimum parking requirements prescribed by clause B6.3 of P21 DCP.

- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

Comment: The front setback of the proposed dwelling is appropriately responsive to the footprint of the existing dwelling and that of surrounding and nearby dwellings, noting that garages with nil and reduced front setbacks are characteristic of Norma Road. This is largely due to the considerable slope of the land, which falls steeply away from the street.

The proposed development has been designed to sit close to the Norma Road frontage (and the alignment of the existing dwelling) in order to minimise impacts upon views currently enjoyed by neighbouring properties and to avoid site disturbance at the rear of the site (Whale Beach Road).

### **Clause D12.8 Building Envelope**

Clause D12.8 of P21 DCP prescribes that buildings are to be maintained within a plane projected at 45 degrees from a height of 3.5 metres above existing ground levels along the side boundaries. The proposed dwelling protrudes beyond the prescribed envelope on both side elevations of the upper floor, as demonstrated in the Architectural Plans by Wooster AD.

However, clause D12.8 of P21 DCP provides an expressed variation for steeply sloping sites where the dwelling is located on a slope in excess of 30%, such as the subject site. The application of this variation is warranted in relation to this application, as the proposed development is consistent with the relevant outcomes of this control, as follows:

- *To achieve the desired future character of the Locality.*

Comment: The portions of the dwelling that protrude beyond the building envelope do not detract from consistency with the desired future character of the Palm Beach locality, and as discussed with regard to A4.12 of P21 DCP, the proposed development is consistent and compatible with the height and scale of surrounding dwellings.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment: The proposed development is responsive to the character of the streetscape and will sit below the height of existing and proposed canopy trees. The non-compliance with the prescribed building envelope will not be readily perceived from Norma Road, noting that the front facade of the proposed new dwelling is compliant with the envelope prescribed.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment: The proposed dwelling has been designed to follow the natural fall of the land, with the upper floor set back from the side boundaries in response to the prescribed building envelope. The height and scale of the dwelling is also responsive to the natural topography of the land and surrounding and nearby dwellings.

- *The bulk and scale of the built form is minimised.*

Comment: The resultant dwelling house is well articulated, with varied materiality and balconies and awnings to shade the external walls of the dwelling and to actively minimise the visual impact of the development. As evident on the Elevations by Wooster AD, the bulk and scale of the proposed dwelling is reduced compared to that which currently exists, with greater setbacks to neighbouring properties, particularly at the upper level, in response to the building envelope control.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Comment: The building envelope non-compliance will not result in any unreasonable impacts upon views currently enjoyed by adjoining dwellings. See discussion in response to clause C1.3 of P21 DCP for further detail.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment: An appropriate balance is achieved between the obtainment of views and privacy between properties, with no unreasonable additional overshadowing arising from the building envelope non-compliance. Noting that the massing of the proposal, particularly at the upper levels) is reduced compared to that which currently exists, solar access, privacy and amenity should be vastly improved as a result of the proposed development.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment: The non-compliant elements do not result in the removal of existing vegetation and vegetation is to be enhanced across the site.

## *conclusion*

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The proposal is a well resolved and considered design solution for the site, which has high regard for the amenity of adjoining properties and the context of the site. The proposal will not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the desired future character of the Palm Beach Locality.

The proposal involves areas of non-compliance with the front building line and building envelope controls of P21 DCP. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved.

The proposed development has been designed in response to feedback received from neighbouring property owners and Council in relation to DA2023/0628, with genuine efforts made to reduce impacts upon the amenity of the surrounding environment. Further, the proposal actually improves the amenity of adjoining properties with respect to bulk and scale, views and solar access, compared to what currently exists.

Overall, the proposed development will positively contribute to the Palm Beach locality, and the application warrants Council's support in this regard.



**Rebecca Englund**

B Arch Studies | M Plan | MPIA

**Director | Northern Beaches Planning**



Figure A – Panoramic views from upper floor rear balcony of 22 Norma Road, with area of view improvement highlighted in yellow  
Source: Northern Beaches Council



Figure B – Easterly views from lower ground areas of 22 Norma Road, with improvement to views as a result of vegetation removal and lowering of pool level  
Source: Northern Beaches Council



## *annexure two*

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**Figure C – Northerly views from lower ground balcony of 26 Norma Road, with existing dwelling at 24 Norma Road out of view to the left**  
Source: realestate.com.au



**Figure D – North-easterly views from upper floor living area of 26 Norma Road, with existing dwelling at 24 Norma Road out of view to the left**  
Source: realestate.com.au