



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition of Existing Building and
Construction of a New Dwelling House at

**No. 121 Pacific Road, Palm
Beach**

Prepared for:

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Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
CBD	Central Business District
CIV	Capital Investment Value
CMP	Construction Management Plan
Council	the Council
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Management Plan
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OSD	On-Site Detention
PoM	Plan of Management
POS	Private Open Space
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared on behalf of Karen, Colin and John Bowers by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a development application to the Northern Beaches Council for demolition of the existing building and construction of a new two storey dwelling house at No. 121 Pacific Road, Palm Beach, designed by Daniel Boddam Architecture and Interior Design.

The proposal will revitalise the site by replacing the existing run down dwelling house with an elegant contemporary two storey dwelling house that complements surrounding development in the locality. The dwelling house will appear as one storey to the street and will be two storeys from the rear as a result of the sites steeply sloping topography. The dwelling house has been orientated to respond to the natural topography of the site and to maximise views of Palm Beach. The proposal will provide generous landscaping in the front and rear setbacks of the dwelling to maintain the leafy character of Palm Beach.

In our opinion, the proposed development satisfies the relevant zone objectives in the Pittwater Local Environmental Plan (LEP) 2014 and Pittwater Development Control Plan 21 (DCP) 2014. The proposal complies with the development standards of minimum lot size and building height contained within the LEP. The proposal also complies with the majority of controls under the DCP including setbacks, landscaping, building colours and materials, heritage conservation, safety and security, view sharing and visual and acoustic privacy. As important, the built form of the proposal is contextually appropriate and will not create unreasonable impacts on surrounding development.

This document is divided into six sections. Section 2 contains a site analysis, Section 3 provides details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act), and Section 6 concludes the report.

2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping and Existing Character and Context.

2.1 The Locality

The subject site is located approximately 44km north of the Sydney CBD, 5.4km from the Avalon town centre and is located within the Local Government Area (LGA) of the Northern Beaches (see Figure 1).



Source: SIX Maps

 Subject Site

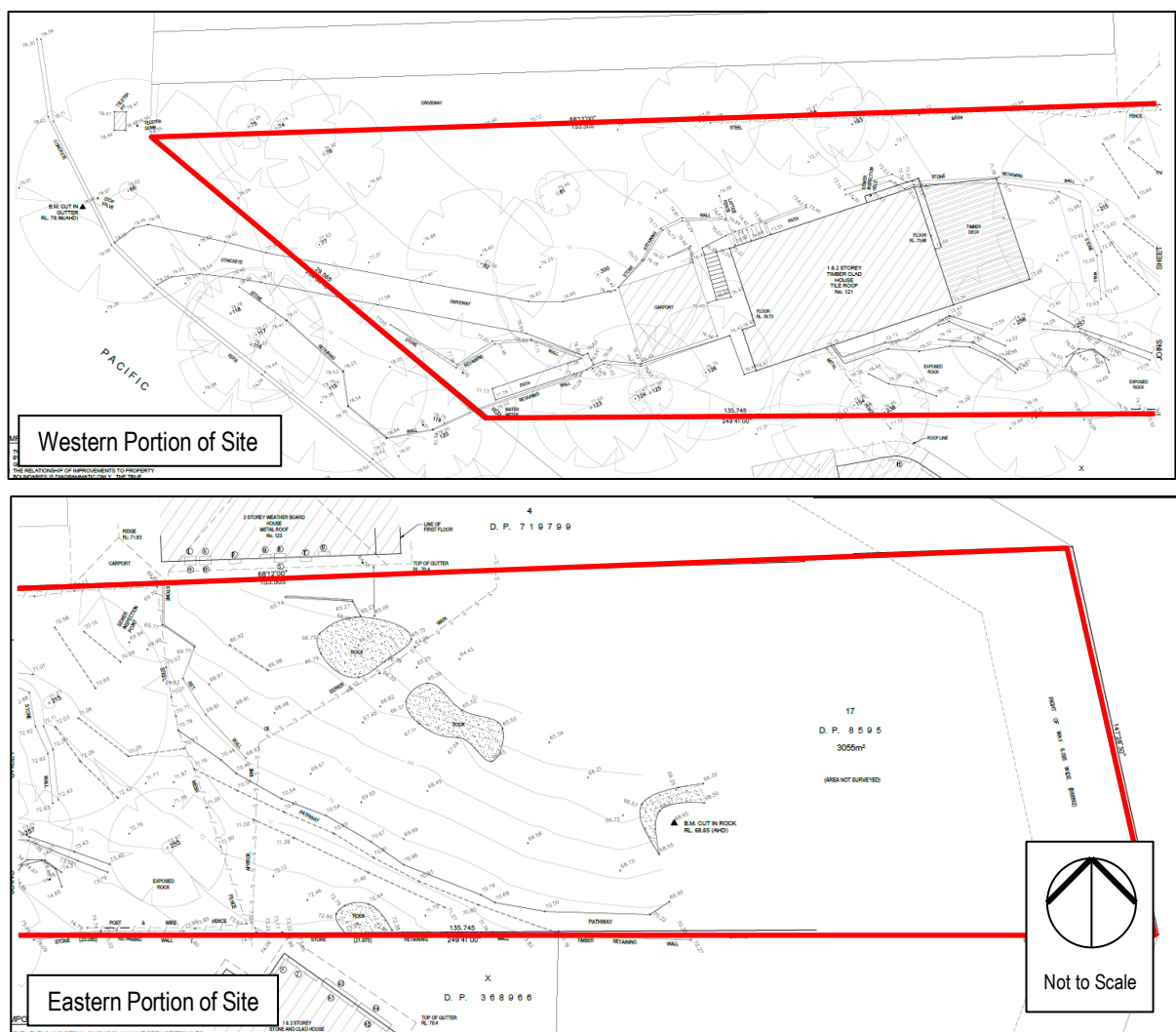
Figure 1: Location Plan

2.2 Site Description

The subject site is located on the eastern side of Pacific Road, between Barrenjoey Road and Florida Road and is known as No. 121 Pacific Road, Palm Beach, described as Lot 17 in DP 8595.

The site is an irregular parcel of land, with a northern boundary of 153.505 metres, an eastern boundary of 23.475 metres, a southern boundary of 135.754 metres, and a western frontage to Pacific Road of 29.565 metres, providing a total site area of 3,055m² (see Figure 2 and Survey Plan separately submitted).

The north west to south east fall of 0.62 metres (AHD 77.88 to AHD 77.26) along Pacific Road. The site has a steep fall of 4.89 metres (AHD 77.32 to AHD 72.43) across the middle of the site from south the north. The site also has a cross fall of 11.44 metres from the front of the site to an existing fence that runs across the entire rear of the site. The site slopes further down toward the north within the rear portion, however part of the site has not been completely surveyed.



Source: Mepstead & Associates

 Subject Site

Figure 2: Survey Plan

2.3 Existing Built Form and Landscaping

The site is occupied by a part one part two storey timber clad dwelling house with a hipped tiled roof. The dwelling appears as one storey to the street and two storeys when viewed from the rear as a result of the sites sloping topography. The existing house is setback substantially from the front boundary to Pacific Road. The rear of the dwelling is articulated as a result of timber decking at the ground level and a balcony at the first floor level which are both orientated to capture views to the north and north east.

The ground floor level comprises the living areas, kitchen and bathroom, whilst the first floor level has the bedrooms. The existing dwelling has a Ground Floor Area (GFA) of approximately 210m².

The site comprises a long 2m wide driveway which widens to 5m and terminates a carport attached to the dwelling house. The carport provides off street parking for two cars (see Photograph 1). A large timber deck is located at the rear of the dwelling at ground level and a smaller deck is located at the first floor level to maximise views to Palm Beach (see Photograph 2).

The site comprises vegetation and landscaping in the front and rear setbacks which contributes to the leafy character of Pacific Road.



Photograph 1: The subject site, as viewed from Pacific Street



Photograph 2: The subject site, as viewed from the rear

2.4 Existing Character and Context

Development in the surrounding area comprises predominately one, two and three storey dwelling houses of varying architectural styles and ages. There are a large number of contemporary dwellings in the vicinity of the subject site with most designed to relate to the steep topography of Palm Beach and to capitalise on wide ranging views of Palm Beach.

Development to the North

To the north of the site is a driveway which services Nos. 123, 125 and 125A Pacific Road. To the north of the driveway is No. 123 Pacific Road, a part one part two storey dwelling house not easily visible from the street and due to the slope in topography the roof structure is the most visible element from the site. Also to the north is No. 125 Pacific Road, a part one part two storey metal clad dwelling house with an attached garage and detached stone shed. The site is not easily visible from the street and is accessible via a long driveway on the southern boundary of the site (see Photograph 3). Further to the north is No. 125A Pacific Road is a part one part two storey metal clad dwelling house with a metal roof and a swimming pool in the rear setback. This site is visible from the street (see Photograph 4).



Photograph 3: No. 125 Pacific Road, as viewed from the subject site



Photograph 4: No. 125A Pacific Road, as viewed from Pacific Road

Development to the East

To the east of the site is No. 65 Florida Road, a two storey timber clad dwelling house accessible via a steep driveway which is located behind a heavily vegetated area (see Photograph 5). Also to the east is No. 63 Florida Road, a part two part three storey dwelling house above a detached double car garage (see Photograph 6).



Photograph 5: No. 65 Florida Street, as viewed from Florida Street



Photograph 6: No. 63 Florida Street, as viewed from Florida Street

Development to the South

To the south of the site is No. 119 Pacific Road, a two storey weatherboard dwelling house with an attached carport (see Photograph 7). Also to the south is No. 117 Pacific Road, a part one part two storey stone cottage (see Photograph 8).



Photograph 7: No. 119 Pacific Road, as viewed from Pacific Road



Photograph 8: No. 117 Pacific Road, as viewed from the rear of the subject site

Development to the West

To the west of the site is No. 120 Pacific Road, a one storey rendered brick dwelling house with a tiled roof (see Photograph 9). Also to the west is No. 122 Pacific Road, a two storey brick dwelling house set back behind landscaping and a front driveway (see Photograph 10).



Photograph 9: No. 120 Pacific Road, as viewed from Pacific Road



Photograph 10: No. 122 Pacific Road, as viewed from Pacific Road

3.0 THE PROPOSAL

This section will describe the following: The Built Form and Land Use; Height; Gross Floor Area and Floor Space Ratio; Landscaping, Private Open Space and Balconies; Access and Parking.

3.1 Built Form and Land Use

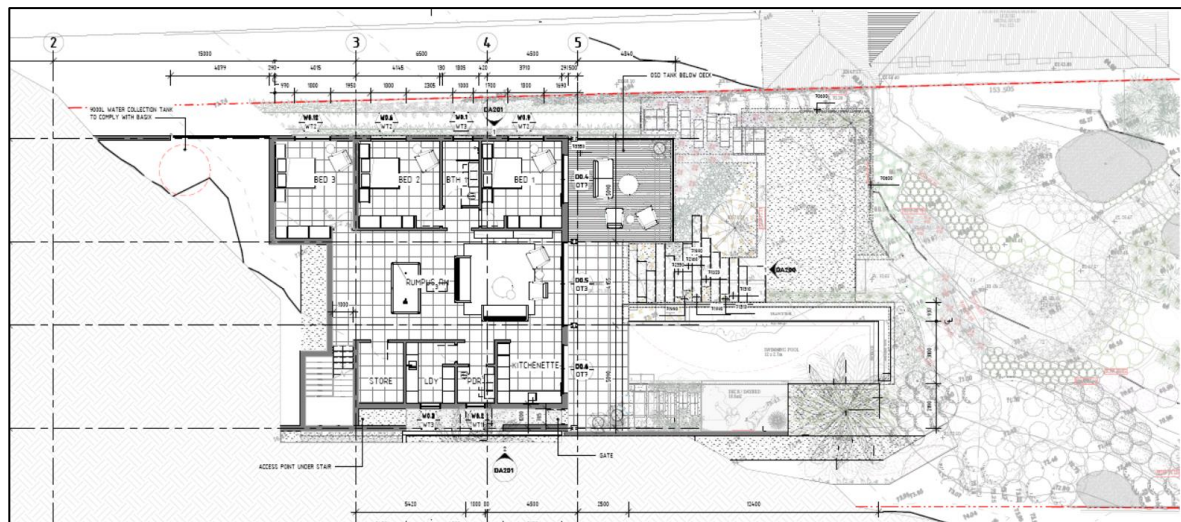
It is proposed to demolish the existing building and to construct a new two storey dwelling house with garage, swimming pool and landscaping works. The proposed dwelling house comprises six bedrooms with a gross floor area (GFA) of 387m².

Due to the sloping topography, the dwelling will appear as a single storey when viewed from Pacific Road and two storeys when viewed from the rear. The proposal is contemporary in style with pitched roofs and a mix of timber and sandstone cladding to the walls to create a more natural aesthetic. The proposal will have generous setbacks to Pacific Road and adjoining properties, and will be well modulated with varying setbacks at the front and terraces at the rear. The proposal will provide a rational layout which will be oriented to maximise views of Palm Beach.

A floor by floor description is provided below. Further details of the proposed development are contained in the architectural drawings, separately submitted.

Lower Ground Floor Level

The Lower Ground Floor Level is at RL 73.35 AHD and is accessed via stairs from the ground floor. This level will comprise three bedrooms, a rumpus room, bathroom, powder room, laundry, store room and kitchenette. An outdoor terrace and deck will provide sitting space and is accessible via the rumpus room and Bedroom 1. A swimming pool and deck/daybed adjoins the terrace and is surrounded by landscaping (see Figure 3).



Source: Daniel Boddam Architecture and Interior Design

Figure 3: Lower Ground Floor Level

Ground Floor Level

The Ground Floor Level is RL 76.50 AHD and is accessible via the main paved entrance from Pacific Road. This level will comprise three bedrooms, open plan living, dining and kitchen space, a central courtyard, pantry, store room and a bathroom. The open plan living spaces will open up to a paved outdoor seating area at the rear of the dwelling. A garage providing off street parking for two vehicles will be located at the front of the dwelling (see Figure 4).

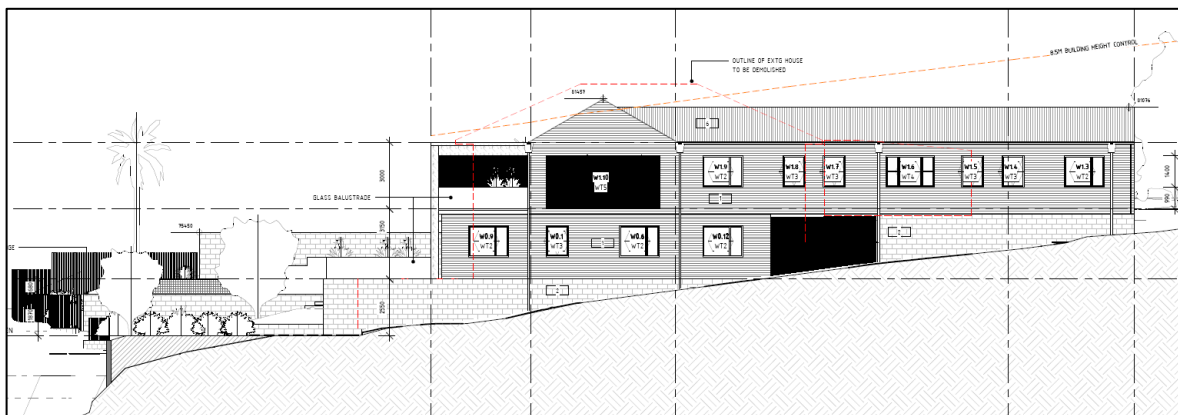


Source: Daniel Boddam Architecture and Interior Design

Figure 4: Ground Floor Plan

3.2 Height

The proposed two storey dwelling house will have a maximum building height of 9.042m (see Figure 5). The maximum height is measured from the highest roof ridge at RL81.45 AHD to the existing ground level immediately below.



Source: Daniel Boddam Architecture and Interior Design

Figure 5: Proposed Height

3.3 Gross Floor Area

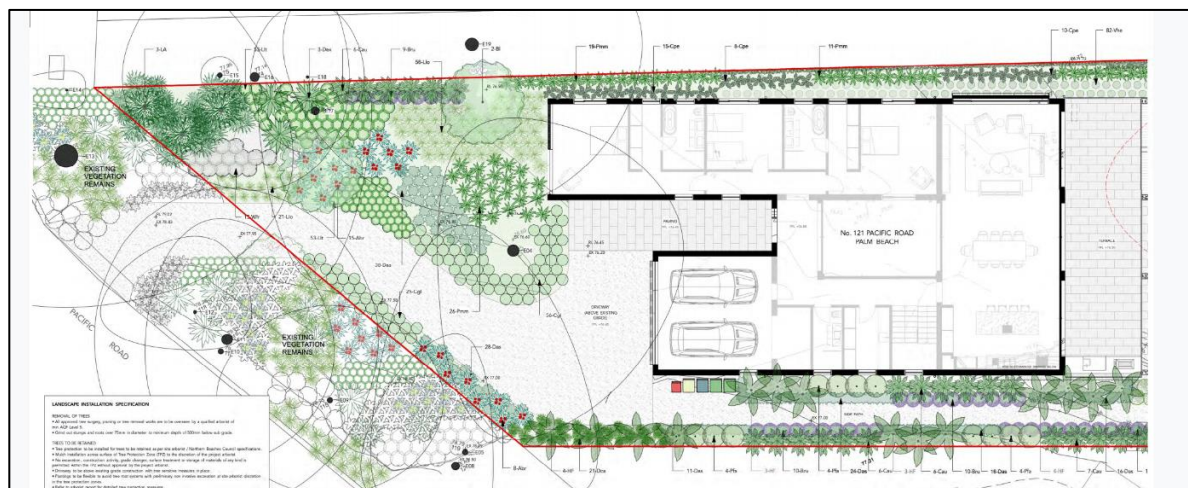
The proposed dwelling house has a Gross Floor Area (GFA) of 393m². A summary of the uses on each floor and GFA is described below (see Table 1 on the following page).

TABLE 1: DETAILS OF THE PROPOSAL		
Floor Level	Details by Level	Gross Floor Area
Lower Ground Floor Level RL 73.35 AHD	Three bedrooms, a rumpus room, bathroom, powder room, laundry, store room and kitchenette	227m ²
Ground Floor Level RL 76.500 AHD	Three bedrooms, open plan living, dining and kitchen space, a central courtyard, pantry, store room and a bathroom	166m ²
TOTAL	6 bedrooms and 2 car spaces	393m²

3.4 Landscaping, Private Open Space and Balconies

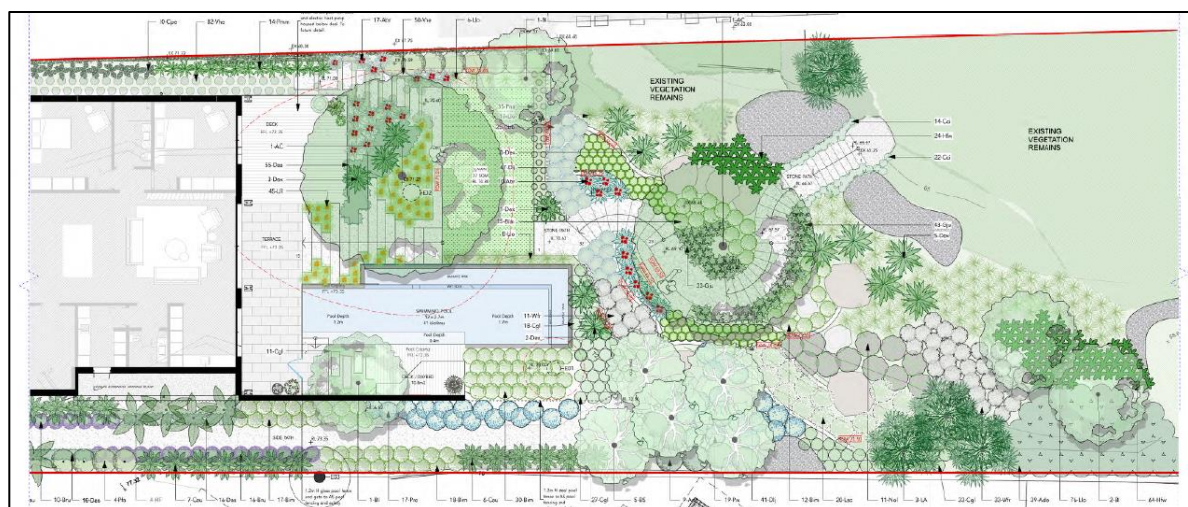
The proposed development will provide 2,662m² open space, of which 1,657m² is deep soil landscaping. Of this, 198m² will be deep soil landscaping in the front setback and 1,362m² in the rear setback.

The proposal will retain the majority of the existing trees on the site, with the exception of two trees that are recommended for removal. New landscaping in the form of trees, shrubs, lawn area and groundcover will be provided throughout the site (see Figures 6 and 7).



Source: Wyer & Co.

Figure 6: Front Garden Landscape Plan



Source: Wyer & Co.

Figure 7: Rear Garden Landscape Plan

Further details of the proposed landscaping, species and design intent are in the Landscape Plan, prepared by Wyer & Co and the Arboriculture Impact Assessment Report prepared by The Tree MD (separately submitted).

A paved terrace is proposed on the Lower Ground Floor is located off the rumpus room and provides access to the rear private open space, swimming pool and daybed. The Lower Ground Floor also comprises a timber decked sitting area accessible from Bedroom 01 which looks out towards the landscaped rear yard. Private open space at the Ground Floor Level comprises a paved courtyard adjacent to the main entrance which is accessible from the dining room or Master Bedroom 1. A large balcony at the rear of the site is also provided and is accessible from the open plan living, kitchen and dining space.

3.5 Access and Parking

The existing driveway off Pacific Road will be modified and reshaped to provide a new combined 3m wide driveway and pedestrian pathway that widens to approximately 7m near the dwelling. This path leads to the main entrance as well as the new garage which contains parking for two vehicles.

4.0 PLANNING CONTROLS

Pursuant to Section 4.15 of the EPA Act, this section assesses compliance with the planning instruments applicable to the site in accordance with the relevant matters for consideration. The relevant planning instruments include:

- Pittwater Local Environmental Plan (LEP) 2014;
- State Environmental Planning Policy (SEPP) BASIX – 2004;
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP);
- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land;
- Pittwater Development Control Plan 21 (DCP) 2014 .

4.1 Pittwater Local Environmental Plan (LEP) 2014

The subject site is zoned E4 Environmental Living under the LEP, which commenced operation on 27 June 2014 (see Figure 8). Dwelling houses are permissible with development consent.

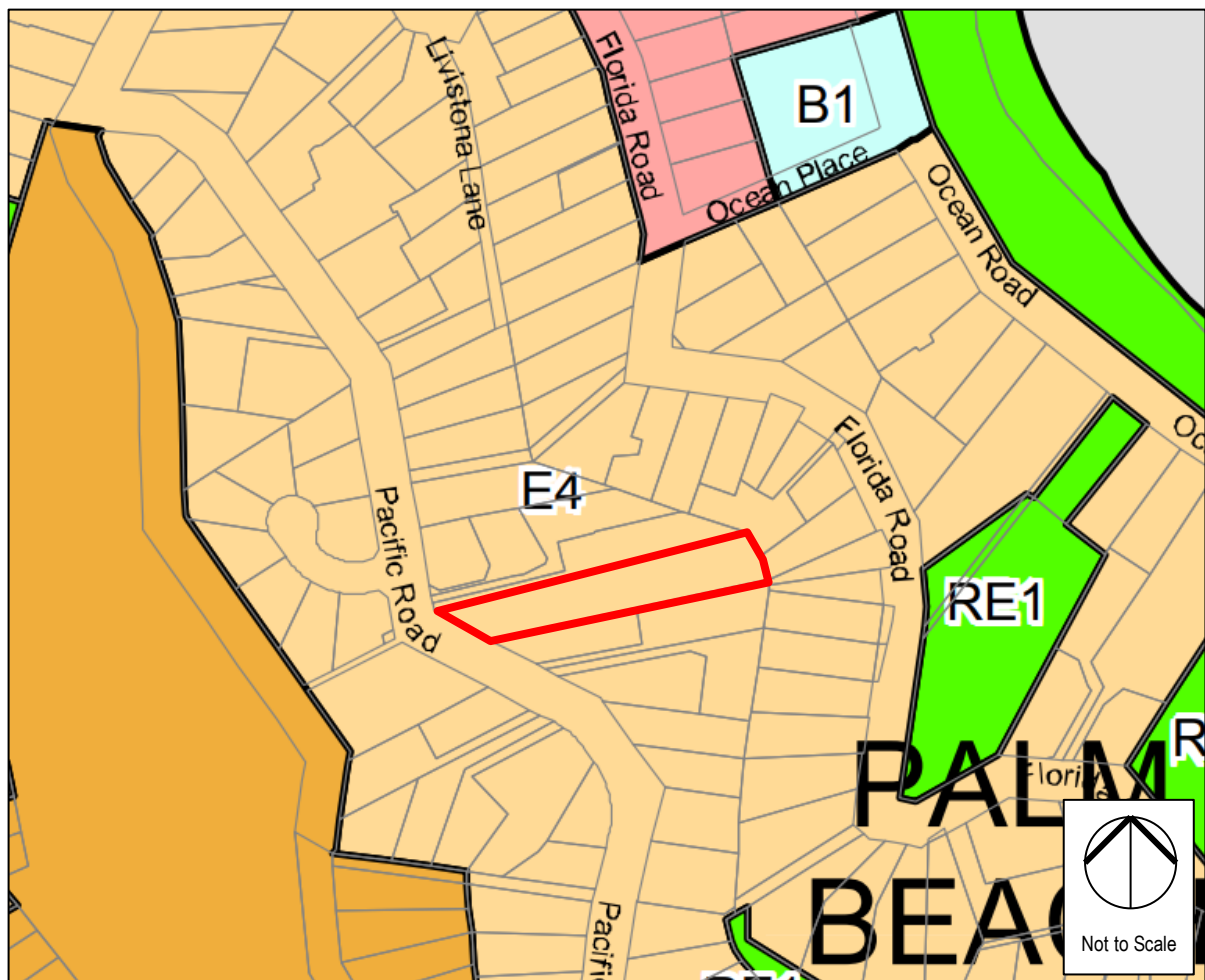


Figure 8: LEP Zoning Plan

Subject Site

4.1.1 Objectives

The LEP Land Use Table contains the objectives for the E4 Environmental Living Zone. The relevant objectives and our responses are stated below:

Objective: *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Response: The proposal will continue to provide a low impact residential dwelling house on the site.

Objective: *To ensure that residential development does not have an adverse effect on those values.*

Response: The proposed dwelling has been carefully designed and sited to ensure low impacts on the ecological and aesthetic values of the site.

Objective: *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Response: The proposal will provide a two storey dwelling house that is contextually appropriate for the area in regard to the bulk and scale of development. The proposal has been carefully designed to integrate with the natural landform and landscape qualities of the site.

Objective: *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Response: The proposal is not located in a riparian zone or within a known wildlife corridor. The proposal is also located within an elevated portion of Palm Beach. Notwithstanding this, the proposal will include planting that will retain the sites leafy character.

Accordingly, in our opinion, the proposal satisfies the relevant objectives of the E4 Environmental Living Zone under the LEP.

4.1.2 LEP Compliance

A summary of our assessment of the proposed development against the LEP is following (see Table 2).

TABLE 2: PROJECT COMPLIANCE – PITTWATER LEP 2014			
Site Area: 3055m ²			
Development Standard	Requirement	Proposal	Complies
Site Area (Min)	700 m ²	3,055m ²	YES
Building Height (Max)	8.5 m	9.042m	NO (see Section 4.1.3)
LEP Provisions			Complies / Comments
Permissibility		E4 Environmental Living	Proposal is permissible within the zone
Heritage Item		NO	(see Section 4.1.4.)
Conservation Area		NO	
Within the vicinity of Heritage Item		YES	
Acid Sulfate Soils		Class 5	Proposal is unlikely to impact Acid Sulfate Soils
Biodiversity Area		YES	Proposal is unlikely to impact the surrounding biodiversity
Geotechnical Hazard		YES Geotechnical Hazard H1	(see Section 4.1.5)

The proposal satisfies the relevant objectives of the LEP, is permissible in the Zone and complies with the building height and lot size development standards contained in the LEP.

4.1.3 Height

The LEP height provisions are contained in Clause 4.3 and the accompanying height map. Council's LEP prescribes a maximum height of 8.5m for the building. While the majority of the proposal complies with the control, a portion of the roof on the northern side of the dwelling exceeds the development standard by a maximum of 0.54m.

An Application to Vary a Development Standard (Clause 4.6 Variation) has been submitted for the Height non-compliance which is, in our opinion, is well founded.

4.1.4 Heritage

LEP Clause 5.10 relates to heritage items and heritage conservation areas. The impact of the proposed development on the heritage significance of the nearby items must be considered in the assessment of any proposed development. The site is not a heritage item but is adjoining two heritage items of local significance identified as 'Sydney Red Gums (*Angrophore costata*)' and 'Craboon (house)' in the LEP (see Figure 9).

The proposal is unlikely to have any adverse impacts on the heritage significance of the neighbouring item in terms of building envelope, proportions, materials, colours and finishes and building alignment. The proposal has been carefully designed and sited in a similar position to the existing dwelling to ensure an adequate buffer zone between the proposal and the neighbouring heritage items. Accordingly, in our opinion, the proposal is unlikely to result in any adverse impacts to the surrounding heritage items or heritage conservation areas.

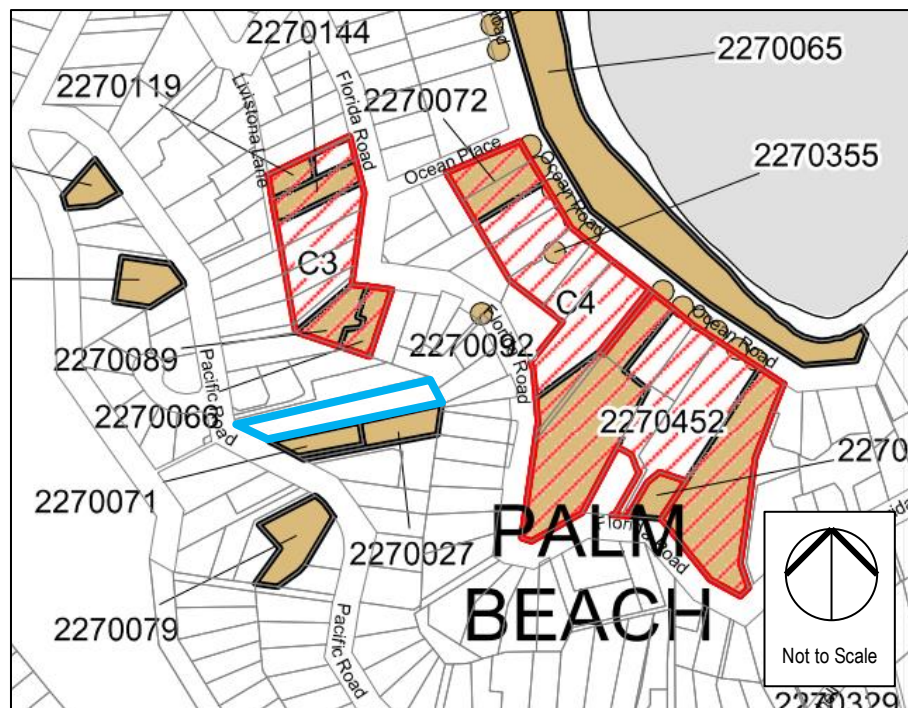


Figure 9: LEP Heritage Map Subject Site

4.1.5 Geotechnical Hazard

The subject site is located on land classified as Geotechnical Hazard H1. Clause 7.7 of the LEP contains the objectives of this clause which are stated, inter alia:

- (a) matches the underlying geotechnical conditions of the land, and

-
- (b) is restricted on unsuitable land, and
 - (c) does not endanger life or property.

The LEP also states that before a development application can be determined the consent authority must be satisfied that the following matters take into account the geotechnical risks of the site. The relevant matters are stated, inter alia:

- (a) site layout, including access,
- (b) the development's design and construction methods,
- (c) the amount of cut and fill that will be required for the development,
- (d) waste water management, stormwater and drainage across the land,
- (e) the geotechnical constraints of the site,
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

In our opinion, the proposal is considerate of the geotechnical hazards on the site and has been carefully designed to match the underlying geotechnical conditions of the land. The proposal has been sited in a location that provides safe pedestrian and vehicle access from Pacific Road. The proposed contemporary two storey dwelling house has been carefully designed to respond to the site's existing topography and requires minimal excavation to accommodate the house and pool. The topography of the site will not create adverse impacts on the management of waste water, stormwater or drainage across the site. The proposal has been assessed in a geotechnical report prepared by Envirotech Consulting Group, submitted separately. This report includes recommendations to ensure that adjoining properties remain unaffected during the excavation and construction stages from a geotechnical perspective. by the relating to excavation, retaining structures. In respect of landslide risk, the report states, inter alia:

*The landslide risk assessment (Appendix D) shows an **acceptable** risk for loss of life for the person(s) - risk level **suitable** for new developments. Risk to property is considered to be **low**. No immediate mitigation measures are required for this site however it is advised that the slopes are monitored for erosion and movement (irrespective of the whether the proposed is constructed).*

Based on the assessment and assumptions presented, the site is suitable for the proposed development without the requirement for mediation measures.

The proposal has been designed and sited to avoid and/or manage geotechnical risk or adverse impacts on surrounding development. Accordingly, the proposal is considered appropriate from a geotechnical hazard point of view.

4.2 State Environmental Planning Policy (SEPP) BASIX – 2004

SEPP (Building Sustainability Index: BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. SEPP BASIX requires all new residences in NSW to meet sustainability targets of a 30% reduction in energy use and 40% reduction in water use. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX Report prepared for the proposed development (separately submitted) demonstrates the proposed dwelling house can satisfy the relevant water and energy reducing targets.

4.3 State Environmental Planning Policy (SEPP) – (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) took effect on 3 April 2018 and applies to the subject site (see Figure 10 on the following page). A small portion of the site at the eastern end is identified as 'Proximity Area for Littoral Rainforests'.

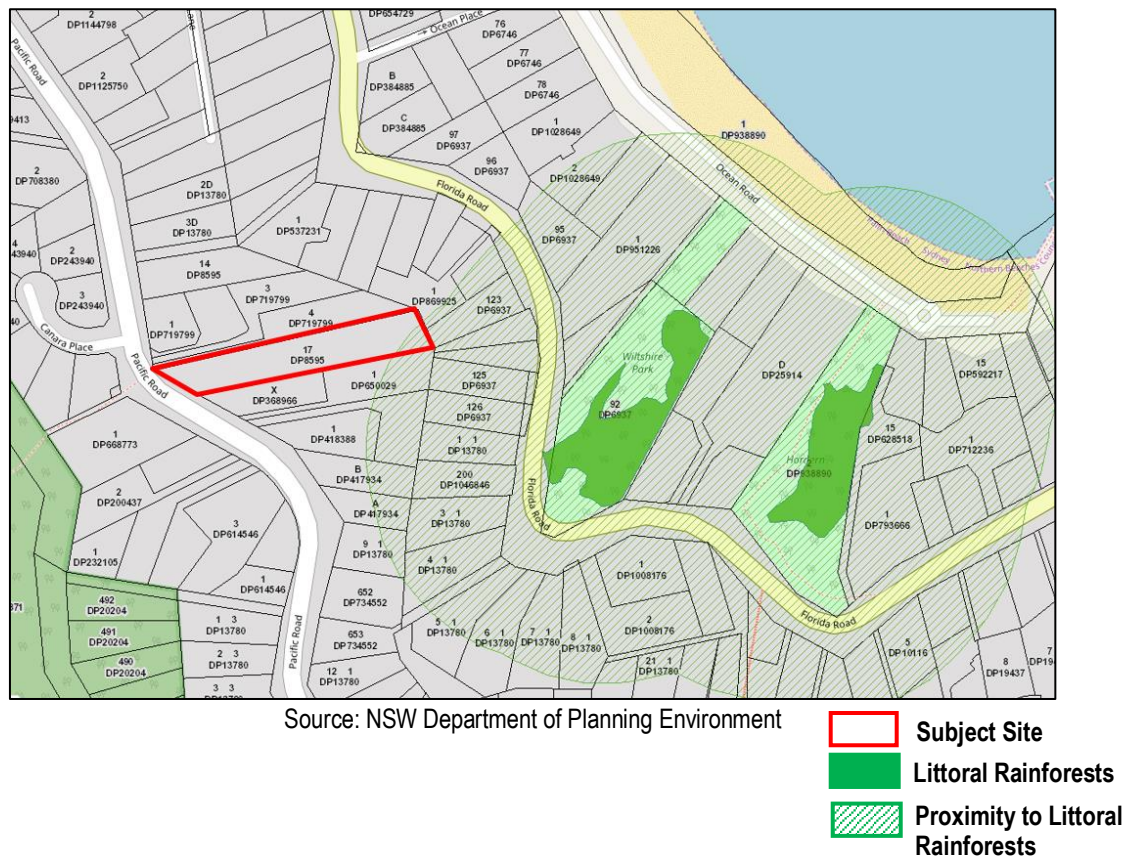


Figure 10: State Environmental Planning Policy (Coastal Management) 2018 Map

Division 1, Clause 11 of the SEPP states that development consent must not be granted to development on land identified as “proximity to wetlands” or “proximity area for littoral rainforest” unless the consent authority is satisfied that the proposal will not significantly impact on:

- (a) *The biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforests, or*
- (b) *The quantity and quality of surface and ground water flows to and from the adjacent coastal wetlands or littoral rainforest.*

Given only a minor portion of the site is subject to the SEPP, the proposal has been carefully designed and sited to have appropriate setbacks from the area classified as in the proximity of the littoral rainforests. The proposal is unlikely to impacts on the biophysical, hydrological or ecological integrity of the littoral rainforests and is also unlikely to have any adverse impacts on the quantity or quality of surface and ground water flows to and from the littoral rainforest.

The site is also located in a Coastal Zone. Accordingly, Division 5, Clause 15 of the SEPP also applies to the subject site. The Clause states, inter alia:

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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 not considered likely to increase the risk of coastal hazards on the subject site or other land. Accordingly, the proposal, in our opinion, is appropriate in respect of SEPP Coastal Management 2018.

4.4 State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Land was gazetted on 28 August 2005 and applies to the whole of the State. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land.

The owners have advised that as the long term use of the site has been residential, the site is unlikely to be contaminated. On this basis, further investigation is not considered necessary.

4.5 Pittwater Development Control Plan 21 (DCP) 2014

The Pittwater DCP was adopted on the 8 December 2003 and applies to the site and the proposed development. Part D of Council's DCP contains specific controls relating to localities. The subject site is located within the Palm Beach locality.

The desired future character of the Palm Beach locality includes a primarily low density residential area of two storeys in height, within a landscaped setting. Future development is to maintain a building height limit that is below the tree canopy and will minimise bulk and scale. Existing and new vegetation is to be integrated with the development. Contemporary buildings will utilise façade modulation and include shading elements. Building colours are to harmonise with the natural environment and developments on sloping site would minimise site disturbance. The future character of the locality will provide a balance between maintaining the landform and natural landscaping features of the site, with development of the land.

In our opinion, the proposal satisfies the desired future character of the Palm Beach locality. This is achieved by creating a low density contemporary dwelling house that appears as single storey from the street (similar to the existing) and two storeys when viewed from the rear. This built form will maintain compatibility with existing and emerging development in the locality. The dwelling will be well modulated, with balconies/verandahs providing articulation at the rear. New landscaping will be well integrated into the design of the dwelling and throughout the site and will maintain the densely landscaped character of the area.

4.5.1 DCP Compliance

A summary of our assessment of the proposed development against the relevant provisions of the DCP is outlined in Table 3.

TABLE 3: DCP PROJECT COMPLIANCE			
Provision	Requirement	Proposal	Complies
Character as Viewed from a Public Place	Buildings which front the street must have a street presence and incorporate design elements that are compatible with any design themes for the locality	The building façade will have a positive street presence and comprises elements that are compatible with the built form of the locality.	YES
	Blank street frontage facades without windows shall not be permitted.	Street frontage façade will contain windows	YES

	Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first floor element; iv. recessing or projecting architectural elements; v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors.	The proposal will include an architectural screen treatment over the ground floor window as well as recessing and architectural elements.	YES
	Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	The proposed garage will not dominate the built form when viewed from the street.	YES
	Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.	The proposed garage will be located behind the front setback. The garage will be no greater than 50% of the lot frontage.	YES
	Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.	Landscaping will be integrated in the building design. The building will appear as secondary to the proposed landscaping and vegetation.	YES
Scenic Protection	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The development will minimise visual impacts to the road and waterway.	YES
Building Colours and Materials	External colours and materials shall be dark and earthy tones	External colours will be earthy tones.	YES
	Finishes are to be of a low reflectivity.	Finishes will be of a low reflectivity.	YES
Front Building Line	6.5m or established building line, whichever is the greater	Front setback 7m – 23.98m and aligns with adjoining development.	YES
Side and Rear Building Line	2.5m to at least one side; 1m for other side, 6.5m (rear)	1.213m – 2.049m to the northern boundary 3.755m to the southern boundary	YES
Building Envelope	Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height	Dwelling largely falls within building envelope with the exception of the northern edge of the first floor	NO See Section 4.5.2
Landscaped Area	The use of porous materials and finishes is encouraged where appropriate.	Porous materials will be used where appropriate.	YES
	In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.	A range of shrubs will be provided to soften the built form.	YES
	At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site	Min 2 canopy trees within the front yard and 1 canopy tree in the rear yard are provided	YES

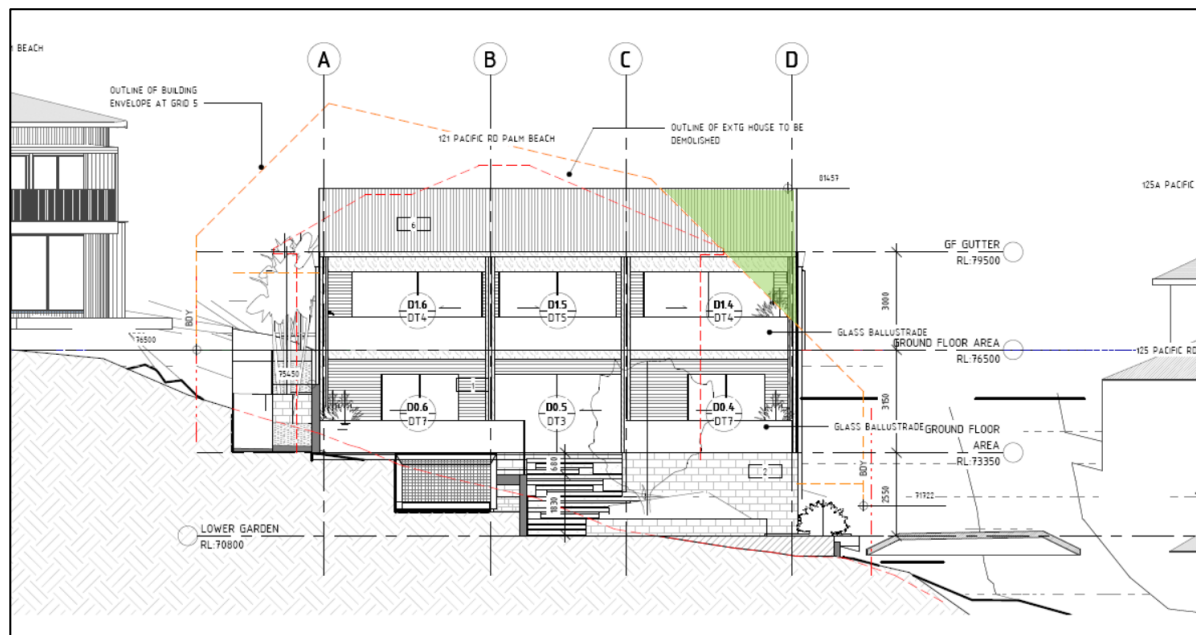
	<p>The following soil depths are required in order to be counted as landscaping:</p> <ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees 	Soil depths will be achieved.	YES
	<p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy</p>	63% of the front setback will be landscaped	YES
Construction, Retaining Walls, Terracing and Undercroft Areas	<p>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</p>	Timber decking will be provided.	YES
Heritage Conservation	<p>Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.</p>	<p>The proposal will respect and complement the heritage significance of neighbouring items.</p>	YES
Safety and Security	<p>Building design should allow visitors who approach the front door to be seen without the need to open the door.</p>	The building design will allow for visitors to be seen without the front door being open.	Able to comply
	<p>Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</p>	The proposal will provide opportunities for casual surveillance.	YES
	<p>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</p>	The building entrance will be clearly visible from the street, easily identifiable and will be appropriately lit.	YES
View Sharing	<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	The proposal will allow for view sharing.	YES
	<p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p>	View sharing is maintained and rear terrace has an open structure	YES
Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p>	Main private open space of the dwelling and adjoining dwellings will receive min. 3 hours solar access in mid winter.	YES
	<p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p>	Windows to principal living area of the proposal and adjoining dwellings will receive min 3 hours solar access (to at least 50% of the glazed window areas) in mid winter	YES

Visual Privacy	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation	Private open space including the swimming pool will not be subject to any direct overlooking as a result of the location and landscaping surrounding the area.	YES
	Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.	Elevated balconies will be located at the rear of the building and will not result in overlooking.	YES
Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like	Noise sensitive rooms will be located away from noise sources.	YES
Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.	155m ² excluding pool, lower garden and front garden	YES
	Within the private open space area, a minimum principal area of 16m ² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).	Within the private open space, a principal area of 86m ² with a min dimension of 4m and no steeper than 5% will be available at the ground floor and courtyard	YES
	Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	Private open space will be directly accessible from the living areas and will be able to function as an extension of the internal living areas.	YES
	Private open space areas are to have good solar orientation	Private open space will have good solar orientation.	YES
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 regulations . The fencing and warning notices (resuscitation chart) shall be permanent structures.	Proposed swimming pool and associated fencing will be manufactured, designed, constructed, located and maintained in accordance with Swimming Pools Act 1992. Fencing and warning notices will remain permanent structures.	YES

The proposal complies with the majority of built form controls under the DCP. The proposal exceeds Council's control relating to the building envelope control on the western side, which will be discussed below.

4.5.2 Building Envelope

The DCP states that for dwelling houses, planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height. The proposal achieves this on the southern side of the dwelling, but exceeds the control on the northern side, due to the slope in the topography (see Figure 11 on the following page).



Source: Daniel Boddam Architecture & Interior Design

Figure 11: Extent of Building Envelope Non-Compliance on the Northern Side (shaded green)

The objectives or outcomes of the control state, inter alia:

- To achieve the desired future character of the Locality.
- To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.
- To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.
- The bulk and scale of the built form is minimised.
- Equitable preservation of views and vistas to and/or from public/private places.
- To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.
- Vegetation is retained and enhanced to visually reduce the built form.

Notwithstanding the noncompliance on the northern side, the proposal will satisfy the outcomes of the control. This is achieved by maintaining a low density development with a maximum of two storeys on the site, which is consistent with other development in the locality. The proposal complies with the setback, height and the majority of other built form controls. The proposal is located well below the height of trees in the natural environment, minimises bulk and scale through a well-articulated built form and provides generous amounts of landscaping throughout to visually reduce the built form when viewed from the public and private domain. In addition, the proposal has been designed to ensure there will be no unreasonable impacts in respect of solar access, privacy and views, and this is discussed in Section 5.0 of this Statement. Accordingly, in our opinion, the proposed building envelope is appropriate in the circumstances of this case.

5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

5.1.1 Topography & Scenic Impacts

Excavation will be undertaken in accordance with Council's standard conditions of consent and the Geotechnical Report, prepared by Envirotech Consulting Group (separately submitted). Excavation is largely set back from the site boundaries and is unlikely to impact neighbouring properties. The recommendations outlined in the report will ensure there will be no unreasonable impacts to adjoining properties.

Trees on site have been assessed in the Arboriculture Impact Assessment Report prepared by The Tree MD with recommendations for retention or removal. Recommendations outlined in the report will be implemented during construction to ensure nominated trees are protected and retained.

The proposal will also include new landscaping designed by Wyer & Co. (separately submitted). While the majority of the trees within and adjacent the site at the street frontage will be retained, new planting will further enhance the landscaped character of the locality and will provide an improved outlook when viewed from within the site as well as from the street and surrounding development.

5.1.2 Water & Air Quality Impacts

The proposed development is, in our opinion, unlikely to result in any adverse effects on the locality in terms of water and air quality. Stormwater and runoff will be managed in accordance with the stormwater design prepared by Envirotech, and the proposal is, in our opinion, acceptable.

5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the impact of the proposed development on the character and context of the area.

5.2.1 Impact on the Area's Character

The proposal will uplift and revitalise the site when viewed from Pacific Road as the existing building portrays little architectural character and has been poorly maintained. The proposed contemporary design will reflect the emerging character of the area through its height, bulk and scale and will be contextually appropriate with other two storey development in the locality. The proposal will have an east-west orientation in line with the site shape and will have a rational layout which will be located within a similar area as the existing dwelling. The varied use of materials, the articulated façade and abundant landscaping will create visual interest in the street and will complement the locality. When viewed from Pacific Road, the proposal will appear as a single storey dwelling, and will have a two storey appearance when viewed from the rear.

The proposal will retain and enhance the site's leafy streetscape character and new private open space at the rear will provide enhanced amenity to the future occupants. Accordingly, the proposal will have a positive impact on the character of the area. Photomontages of the proposal are shown in Figures 12 and 13 on the following page.



Source: Daniel Boddam Architecture & Interior Design
Figure 12: 3D Images - Front of Dwelling



Source: Daniel Boddam Architecture & Interior Design
Figure 13: 3D Images – Rear of Dwelling

5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers the aural and visual privacy impacts resulting from the proposal and needs to be considered in conjunction with Section 4.6. It will specifically address sunlight access and view impacts.

5.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for residents of neighbouring sites. Living rooms and private open spaces are oriented towards the rear of the site and windows facing the side setbacks are associated with bedrooms and service rooms only. Given the compliant side setbacks, extensive landscaping and building separation between the proposal and nearby development, there will unlikely be overlooking to adjoining properties.

The proposal will retain its existing single dwelling use on the site. Given the continuing residential occupancy, it is unlikely that there would be additional noise generation when compared to the existing situation.

5.3.2 Solar Access

To assess the impact of the proposed development in terms of overshadowing, shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21).

At 9am, additional shadow largely occurs over the front setback of the subject site and a small portion of the northern setback at No. 119 Pacific Road. At 12 noon, additional shadow occurs over a small area within the northern setback of No. 119 Pacific Road. At 3pm, additional shadow occurs over part of the northern setback of No. 119 Pacific Road.

These diagrams indicate that the proposed development will receive at least three hours solar access to living areas and private open space in mid-winter, and will not reduce the sunlight access of adjoining properties to less than three hours in mid-winter. This complies with the DCP requirements and in our opinion the proposal is appropriate in respect of solar access.

5.3.3 View Sharing

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the principle of the *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

- *Assessment of the Views Affected*
- *From What Part of the Property are the Views Obtained?*
- *The Extent of the Impact*
- *The Reasonableness of the Proposal*

It is noted that we have not undertaken an inspection of nearby properties and our assessment has relied on an inspection of the subject site, aerial photography and survey information.

The site and adjoining developments on the eastern side of Pacific Road enjoy views towards the Pacific Ocean and parts of Palm Beach towards the north east, from various locations and to varying degrees. Within the site, These views are available from the living areas and balconies/terraces located at the rear at the upper (ground) level of the dwelling. It is surmised that similar water views are obtained from the living rooms and/or balconies from adjoining development. Properties that are located on a higher level due to the sloping topography would enjoy more expansive views.

Views from the adjoining properties to the north at Nos. 123, 125 and 125A Pacific Road will not be affected by the proposed dwelling. Views from No. 119 Pacific Road will also unlikely be unreasonable affected, given this property is higher than the subject site and is set back further from the eastern frontage than the proposal to maximise views.

The proposal complies with Council's major building envelope controls in relation to building height and setbacks and complies with the majority of relevant controls under the DCP. The proposed maximum roof ridge is also lower than the maximum ridge of the existing dwelling house and will have similar rear setbacks to the existing dwelling. The proposal will therefore not unreasonably obscure any view corridors or create adverse view impacts when compared to the existing situation. Accordingly, in our opinion, the proposal is appropriate in respect of view impacts.

5.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; and hazards.

5.4.1 Proximity to Services and Infrastructure

The site is well located in terms of public transport. The nearest bus stop is located approximately 1km from away from the site on Florida Road and services route Nos. L90 and 199, which provide regular access between Palm Beach, Wynyard and Manly. Train services at Wynyard connect to the wider Sydney rail network. As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

5.4.2 Traffic, Parking and Access

The proposal will utilise the existing driveway entry location from Pacific Road, but will be modified, and the existing driveway will be widened and reshaped to comply with Australian Standards. A new garage which will be integrated into the dwelling, will be located in a similar location to the existing carport and will provide off street car parking for two vehicles. Each car parking space has minimum dimensions of 2.4m x 5.4m which complies with Australian Standards.

As the proposal retains the single residential use of the site, it is unlikely that there would be any additional traffic generation compared with the existing situation. Accordingly, the proposal is in our opinion, acceptable from a traffic and parking point of view.

5.4.3 Hazards

The site is subject to land classified as H1 Geotechnical Hazard (see Section 4.1.5.). In this instance, the geotechnical report prepared by Envirotech Consulting Group and submitted separately concludes, inter alia:

Based on the assessment and assumptions presented, the site is suitable for the proposed development without the requirement for mediation measures.

The proposed development will not increase the likelihood of such hazards and is acceptable from a hazards point of view.

The westernmost tip of the site is identified as bushfire prone land (vegetation buffer) on the Pittwater Bush Fire Prone Land Map 2013. This part of the site is not being redeveloped and the proposed works are substantially set back and within non-identified areas. In this regard, a Bushfire Hazard Assessment Report has been prepared by Envirotech and is submitted separately. The report make the following recommendations, stating inter alia:

As the proposed development site has been assessed as BAL-LOW there are no specific construction methods required by of AS3959-2009 Section 4 Construction for Bushfire Attack Level-LOW (BAL-LOW).

The entire site is deemed an Inner Protection Area and as such any landscaping gardens and the like should comply with Appendix 5 PBP 2006.

It is recommended Northern Beaches Council and the NSW Rural Fire Service approve the proposed new dwelling and swimming pool at 121 Pacific Rd, Palm Beach. NSW 2108 in respect to Bush Fire Requirements.

The Bushfire Hazard Assessment Report provides the following concluding comments:

The proposed development relates to the construction of a new dwelling and swimming pool at 121 Pacific Rd, Palm Beach. NSW 2108.

The land on which the property is situated is classified as Bushfire Prone Land under the Northern Beaches Council Bushfire Prone Land Map (Northern Beaches Council 2019).

The proposed new dwelling and swimming pool at 121 Pacific Rd, Palm Beach NSW 2108 can meet the planning requirements of Planning for Bush Fire Protection (NSW RFS 2006) and, are capable of meeting Australian Standard AS3959-2009 and the Building Code of Australia in relation to construction (ABCB 2016).

The proposed development and existing asset protection zones comply with the specific objectives and requirements of Planning for Bushfire Protection (NSW RFS 2006). It is the opinion of Envirotech Pty Ltd that the proposed development, with recommendations from this Report will provide a satisfactory level of bushfire safety to the property and satisfies the requirements of the NSW Rural Fire Service and Northern Beaches Council's obligations for this area.

In accordance with the Bushfire Report, the proposal will be able to meet the relevant requirements in respect of bushfire protection.

5.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

5.5.1 Social and Economic Impact

The proposal will have social and economic benefits in the area with the construction of an elegant and contemporary new dwelling. The proposal is in keeping with the character of Palm Beach and will continue to provide low density housing within the E4 Environmental Living zone. In addition, the proposal will provide employment during demolition and construction and in the provision of maintenance services once the dwelling is occupied.

5.5.2 The Public Interest

The proposal has been designed with consideration of the adjoining residents' amenity and the streetscape. It will provide a contemporary dwelling house which is a contextually appropriate scale and built form for the area. The building has been designed to maintain neighbours and local amenity and will contribute positively to the local character. The proposal is a quality development which serves the public interest.

6.0 CONCLUSION

The proposed two storey dwelling house at No. 121 Pacific Road, Palm Beach has been assessed in accordance with Section 4.15 of the EPA Act and Council's planning instruments. The proposal is permissible in the E4 Environmental Living Zone under the LEP and in our opinion is consistent with the relevant objectives of the Zone. In our assessment, the proposal is also consistent with the provisions and objectives related to geotechnical matters and heritage conservation in the LEP.

The proposal will replace an existing dated dwelling in poor condition with a contemporary dwelling house that will present an attractive frontage to the street and have a clear and legible built form that will complement the existing and emerging development in the locality. The carefully sculpted design will provide a superior level of internal and external amenity for the occupants of the site and include generous amounts of landscaping and private open space.

This SEE demonstrates the proposal for a contemporary dwelling house will achieve the desired future character of the Palm Beach locality and maintain a cohesive relationship with surrounding development. The proposal provides consistency in scale, form, proportions, setbacks and materials. This design approach ensures that the proposal will enhance the local streetscape character.

The proposal complies with the building height development standard under the LEP and complies with the majority of the controls under the DCP. Where there are variances to the DCP, the proposal satisfies the outcomes and objectives of the control. Compliance with the majority of controls ensures the new building envelope is unlikely to cause significant overshadowing or loss of privacy to nearby properties. The proposal is also unlikely to unreasonably affect outlook or views from surrounding properties and the public domain.

The SEE is accompanied by architectural, landscaping and stormwater drawings, in addition to BASIX, engineering and bushfire reports. These documents have informed our assessment and confirm the proposal is suitable in the locality.