

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
Additions

325 Whale Beach Road,
Palm Beach

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Statement of Environmental Effects

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at 325 Whale Beach Road, Palm Beach

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April 2025

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application proposing alterations and additions at 325 Whale Beach Road, Palm Beach.

The proposed alterations and additions provide enhanced amenity for the occupants and reflect a superior design quality that takes advantage of the site superior locational attributes. The works maintain the existing single storey nature of the dwelling and will preserve the majority of the exceptional landscape quality of the site ensuring that the dwelling will continue to sit within a landscaped setting. No adverse amenity impacts are identified to neighbouring properties with the proposed works.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans
- Survey
- Stormwater Management Plans
- Arboricultural Impact Assessment Report
- Geotechnical Report
- BASIX Certificate
- Waste Management Plan
- Coastal Report

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and
- Pittwater 21 Development Control Plan 2012 (**P21 DCP**).

The identified minor non-compliances with the minor landscape area variation have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The site has a legal description of Lot 241 & 242 in DP 16362 and is commonly referred to as 325 Whale Beach Road, Palm Beach. The site is predominately rectangular in shape and has a total site area of 1577m²

An aerial location photograph is at Figure 1 below.



Figure 1: Aerial photograph of the subject site

The site comprises 2 lots and has a combined frontage of 27.55m and variable depth between 52.89m to the northern boundary and 67.93m to the southern boundary. The rear boundary adjoins the cliff which then falls steeply down to the rock shelf below.

The topography of the site steeply down from street level before generally levelling out where the existing dwelling is located. At the rear of the dwelling the land begins to steeply fall again to the edge of the cliff.

The site includes a number of significant trees which are identified within the arborist report provided. Most are located forward of the dwelling within the front yard and surrounding the driveway. The trees, coupled with the fall from street level into the site, results in the existing dwelling not having a direct street presentation.

The existing development on site comprises a single storey dwelling with swimming pool at the rear. Development in the vicinity are characterised by residential dwellings within informal landscaped settings. Images a provided below of the existing site circumstances



Image 1: view from top of the driveway



Image 2: Aerial view of the rear elevation and swimming pool



Image 3: View from the deck looking north

3 Description of Proposed Development

3.1 Details of the proposed development

The proposed alterations and additions will require partial demolition of the dwelling to facilitate the works proposed. A demolition plan is provided. The proposed works are identified on the plans prepared by Jorge Hrdina Architects and specifically include:

- Demolition of the existing swimming pool and new pool relocated to run parallel to the rear deck.
- New clerestory window feature to the roof
- Raise floor level of garage to match entry level and make good. Minor paving additions to support the garage extension.
- Minor extension to the southern elevation to extend the garage, laundry and create a new W/C
- Minor extension to the western elevation to extend bedrooms 2 and 3
- Internal reconfigurations
- Extend roof over the rear deck with skylights
- Minor external works relating to stairs from rear garden to deck and outdoor shower to the southern elevation

Stormwater Management Plans demonstrate a suitable water management solution for the site, consistent with Councils' Water Management Policy.

The application is supported by a Geotechnical Risk Management Report that confirms that the proposed works can be constructed to be safe from the geotechnical hazard that affects the site.

An Arboricultural Impact Assessment Report outlines the extent of tree removal proposed, with recommendations for the safe retention of trees in the vicinity of the works.

A BASIX Certificate supports the application confirming that the building performs well with regard to sustainability and meets and/or exceeds relevant industry standards.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the C4 Environmental Living zone and dwelling houses are permissible with consent.

The objectives of the C4 Environmental Living zone are considered 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.*

Council can be satisfied that the proposed works are consistent with the objectives of the zone. The works are relatively minor insofar that they maintain a low density scale and retains much of the high value landscaping treatments. Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) and the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 8.5m.

The objectives of this control are as follows:

- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) to minimise any overshadowing of neighbouring properties,*

(d) to allow for the reasonable sharing of views,

(e) to encourage buildings that are designed to respond sensitively to the natural topography,

(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

The development maintains the dwellings single storey form and will continue to sit well below the 8.5m height limit.

4.1.3 Acid Sulfate Soils

The site is identified within Class 5 on the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

4.1.4 Geotechnical Hazards

The site is identified as being within Geotechnical Hazard H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants that considers each of the matters prescribed by clause 7.7(3) of PLEP 2014, and confirms that the development has been designed, sited and will be constructed to minimise risk, consistent with the provisions of clause 7.7(4) of PLEP 2014.

4.1.5 Limited development on foreshore area

The site includes a foreshore building line and the objectives of this clause are as follows:

(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,

(b) to ensure continuous public access along the foreshore area and to the waterway.

There are no new works proposed within the foreshore building line. The existing pool that sits within the FBL is to be demolished and replaced with a new pool that is entirely behind the FBL. While swimming pools are permissible within the FBL it is considered an improvement to have all structures now behind the FBL.

4.2 Pittwater 21 Development Control Plan

4.2.1 Palm Beach Locality

The site is located within the Palm Beach Locality, which is described as follows:

Until the early 1900s, the locality remained a tiny settlement of isolated farms and fishermens cottages. In 1912, land was subdivided and Palm Beach became a popular holiday destination, its popularity increasing with the development of the Palm Beach Golf Course in 1920. The Barrenjoey peninsula remained a popular camping area until it was closed in the 1960s. Residential development and permanent occupation of dwellings increased from the 1960s, although the area still remains a secluded peninsula at the northern point of Pittwater. Barrenjoey Headland at the northernmost point of Pittwater was host to a Customs House from 1843, and Barrenjoey Lighthouse from 1881, which remains today.

Since that time, the locality has developed into a predominantly low-density residential area, with dwellings built along the ridges, slopes and lowlands. The locality is characterised mainly by two-storey dwelling houses on 750-1,400 square metre allotments, with allotments of 550-650 square metres (some smaller blocks may exist) adjoining the waterfront to the west. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. In the vicinity of Ocean Rd, the informal and casual nature of the parking carriageway and pedestrian pathway adds to the relaxed beach character of the locality and should be retained. Medium density housing concentrates around the Palm Beach neighbourhood retail centre on Barrenjoey Road.

Residents and visitors are attracted to the Palm Beach Locality by its natural beauty, by the relatively unspoilt nature of the region and by the relaxed seaside atmosphere of the locality. To the west is the Pittwater waterway, to the east the ocean beaches and headlands, with a spur running north south ending in a bluff at the sand isthmus that ties Barrenjoey Headland to the mainland. Here it is an easy walk over the sand dunes from the protected water of Pittwater to the ocean beach. Due to the topography, significant views can be obtained through all points of the compass. Conversely, the slopes and ridge tops of the locality are visually prominent.

The locality is serviced by two neighbourhood retail centres at the intersect of Barrenjoey Road and Iluka Avenue, opposite the public wharf, Ocean Road; and the intersection of Whale Beach Road and Surf Road, where the bus service terminates. The public wharf provides a vital link for the Upper Western Foreshore communities, as well as a regular ferry service to these communities and further afield including Patonga and Gosford. The locality also contains Barrenjoey Lighthouse, Palm Beach RSL, Palm Beach SLSC, and recreational facilities including Palm Beach Golf Course, rock baths, beaches, Governor Phillip Park, McKay Reserve and other reserves.

Barrenjoey Lighthouse, remnants of Customs House, houses, vegetation, and other structures in the vicinity of Barrenjoey Headland, Barrenjoey Road, Bynya Road, Florida

Road, Ocean Road, Northview Road, Palm Beach Road, Pacific Road, Sunrise Road, and beach and waterfront reserves, indicative of early settlement in the locality, have been identified as heritage items. Land in Florida Road, Ocean Road, and Sunrise Road, indicative of early subdivision patterns and built form, have been identified as heritage conservation areas.

The Palm Beach locality gives the impression that much of the native vegetation has been retained. Bushland reserves predominate. Native plants proliferate in private gardens. The natural fall of the land has been preserved in most cases with retaining walls and terracing kept to a minimum. A few poor exceptions to this are located at the northern end of Ocean Road. The retention of the natural features and native plants within private gardens should be encouraged, and help to reinforce the natural beauty of the area the main characteristic of the locality.

The natural features of the locality result in a high risk of bushfire, landslip, flood, coastal (bluff) hazard, and estuary wave action and tidal inundation.

The major roads within the locality are Barrenjoey Road, Florida Road, Ocean Road, and Whale Beach Road. Barrenjoey Road is the primary access road from the south. Several pedestrian links and pathways exist within the locality.

4.2.2 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
Part B General Controls			
B3.1 Landslip Hazard	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report and is consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
B4.2 Flora and Fauna Conservations Category 1 and Wildlife Corridor	Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees	<p>The existing trees on and adjacent to the site have been assessed with the arborist report provided.</p> <p>3 of the 12 trees assessed are proposed to be removed as</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>that are being impacted by the proposed garage works.</p> <p>The existing site circumstance includes exceptional landscaping features that will be largely retained and will continue to support the local environment.</p>	
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Development shall not negatively impact on threatened species, endangered populations or endangered ecological communities.	As above	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 accompanied by Stormwater Management Plans which demonstrate consistency with Council's Water Management for Development Policy.	Yes
B6.2 Internal Driveways	The design of all internal driveways and ramps shall be in accordance with the current edition of the following Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.	The existing driveway is to be retained. Only a small section of additional paving is proposed to facilitate the garage extension.	Yes
B6.3 Off-Street Vehicle and Parking Requirements	2 spaces (minimum)	2 spaces	Yes

Control	Requirement	Proposed	Compliance
B8.1 Construction and Demolition - Excavation	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report and is consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
B8.3 Construction and Demolition – Waste Minimisation	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Construction and Demolition Waste Management Plan.	Yes
C1 Design Criteria for Residential Development			
C1.1 Landscaping	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping that reflects the scale and form of development.</p>	<p>The works will not significantly impact on the existing landscaping on site. The site benefits from a well-maintained garden areas which will be largely preserved with the exception of 3 tree identified to be removed.</p> <p>Large native trees within the front garden will be preserved. The demolition of the existing pool will increase soft landscaping within the FBL with the proposed swimming pool better integrating with the dwelling.</p>	Yes
C1.2 Safety and Security	The development is to be designed in accordance	The existing dwelling does not have a direct street frontage due to the slope down from	Yes

Control	Requirement	Proposed	Compliance
	with the four CPTED principles.	street level and trees along the front boundary. Appropriate lighting and security measures will continue to service the dwelling.	
C1.3 Views	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The works will not impact on the existing view corridors enjoyed by adjoining neighbours. The development maintains its rear alignment and the views towards the south east from No. 327 will not be impacted.	Yes
C1.4 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> <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>	The minor additions to the dwelling does not contribute to a significant change in solar access and is compliant with the controls.	Yes
C1.5 Visual Privacy	Private open space areas including swimming pools and	The alterations and additions do not give rise to any unreasonable privacy	Yes

Control	Requirement	Proposed	Compliance
	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 (measured from a height of 1.7 metres above floor level).	impacts. The dwelling maintains its single storey form and the location of private open space areas will remain as per existing.	
C1.6 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.	The proposed development is unlikely to result in any adverse acoustic privacy impacts.	Yes
C1.7 Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres.	More than 80m ² of private open space is provided across the site.	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 regulations.	The proposed swimming pool has been designed and will be constructed in accordance with the relevant provisions of Swimming Pools Act 1992 and regulations.	Yes
Part D1 Palm Beach Locality			

Control	Requirement	Proposed	Compliance
D1.1 Character as viewed from a public place	<p>The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. 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.</p>	As mentioned, the dwelling has not direct street frontage and is not readily visible from the street. The streetscape presentation will remain the same as existing with the significant trees and landscaping treatment along the front boundary being the predominate streetscape character.	Yes
D1.5 Building Colours	Dark and earthy tones	The proposed development incorporates natural materials and finishes to blend with the surrounding natural environment.	Yes

Control	Requirement	Proposed	Compliance
D1.8 Front Building Line	6.5 or established building line, whichever is the greater	The existing front setback is maintained.	Yes
D1.9 Side and Rear Building Lines	1m to one side, 2.5m to the other. Foreshore building line	There are no new works proposed within the side boundary setbacks.	Yes
D1.11 Building envelope	Development is to be maintained below planes projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	Complies	Yes
D1.14 Landscaped Area – Environmentally Sensitive Land	60% minimum	<p>The proposal provides for 802m² of soft landscaping or 51.7%. When including 6% of the site area that is hard surface which is being used for recreation the landscape area is 57.7%.</p> <p>This is a minor variation to the landscape area control. The existing landscaping on site is of an exceptional quality and will be largely retained.</p> <p>The minor reduction in landscape area is reflective of reasonable alterations and additions to improve the amenity of the home for the occupants. Private open space areas will continue to be supported by the existing landscaping treatments and will continue to contribute</p>	

Control	Requirement	Proposed	Compliance
		positively to the streetscape and local environment generally.	

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.3.1 Coastal

Chapter 2 of SEPP (Resilience and Hazards) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner that is consistent with the objects of the Coastal Management Act 2016.

The site is identified as “coastal use area” on the Coastal Use Area Map and as “coastal environment area” on the Coastal Environment Area Map and the provisions of Chapter 2 of this policy are applicable to the proposal.

The proposed development will not create an adverse impact on the biophysical, hydrological or ecological environment, and has been designed to withstand coastal processes. The development will not impact upon marine vegetation, fauna or their habitats, with no works proposed in the vicinity of undeveloped headlands or rock platforms. The proposed development is consistent with the provisions of clause 2.10 of this policy.

The proposed development will not result in any adverse impacts upon access along the foreshore, overshadowing of the foreshore, the visual amenity of the coastline, or any items of heritage significance. Further, the proposal will not result in any adverse impacts upon views to the foreshore.

The application has considered the surrounding coastal and built environment, and the bulk, scale and size of the proposed development, with a high-quality architectural solution that appropriately responds to the context of the site. The proposed development is consistent with the provisions of clause 2.11 of this policy.

Clause 2.12 of SEPP (Resilience and Hazards) prescribes that 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 proposed development is not likely to cause increased risk at the site or for adjoining land, and the consent authority can be satisfied in this regard.

4.4 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

- (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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

- (iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

- (iiia) *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*

N/A

- (iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*

- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna.

Waste Collection

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors.

Natural hazards

The application is supported by technical reports addressing the natural hazards that affect the site.

Economic Impact in the locality

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

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

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

(d) *Any submissions received in accordance with this act or regulations*

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) *The public interest*

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed development responds positively to the desired future character of the Palm Beach Locality and is appropriately located on the site. The works will provide a high level of amenity for occupants of the dwelling, without any adverse impacts upon the amenity of adjoining residences or the natural environment.

The identified non-compliances with the setbacks and building envelope have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

Boston Blyth Fleming Pty Limited

William Fleming

Director