



**STATEMENT OF ENVIRONMENTAL EFFECTS
RELATING TO A DEVELOPMENT APPLICATION
FOR CONSTRUCTION OF A DWELLING HOUSE AND SECONDARY DWELLING
AT 1110 BARRENJOEY ROAD PALM BEACH**



**Prepared for
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1. INTRODUCTION

This is a Statement of Environmental Effects (SEE) relating to a development application (DA) for the construction of a dwelling house and secondary dwelling at 1110 Barrenjoey Road Palm Beach.

A preDA meeting was held on-site with Council staff on 9 December 2020. The preDA minutes are provided at **Appendix A**. No significant concerns were raised by Council in relation to the proposal. The DA responds to the comments made by way of minor amendments and the provision of further information. A list of the minor changes made to the preDA plans is provided at **Appendix B**.

The SEE contains the following sections:

- **Section 2** examines the characteristics of the subject property;
- **Section 3** details the nature of the surrounding locality;
- **Section 4** provides a detailed description of the proposal;
- **Section 5** discusses the zoning and development controls relating to the land; and
- **Section 6** provides an assessment of the proposal in relation to the relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

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The Site

2. THE SITE

The site is known as 1110 Barrenjoey Road Palm Beach and is Lot 103 in DP1256016. (see **Figure 1**). This land is comprised of an irregularly shaped battleaxe lot with frontage to Barrenjoey Road. A driveway already exists to provide vehicular and pedestrian access, over part of which there are easements (located on 1110A and 1110B Barrenjoey Road)(see **Figure 2**). The land is flat along the western boundary where there are a number of temporary structures (see **Figure 3**) and then slopes moderately to steeply up towards Pacific Road. There are a number of large trees and rock outcrops on the land as discussed in detail in the submitted arborist and ecological reports (see **Figure 4**).



Source – Six Maps

Figure 1 – Site



Figure 2 – Existing driveway to site



Figure 3 – lower part of site adjacent to western boundary



Figure 4 – upper part of site showing rock outcrops and trees

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Surrounding Environment

3. SURROUNDING ENVIRONMENT

The site is typical of the locality where there is a combination of recent and older style 1, 2 and 3 storey detached dwellings. The level of vegetation varies with some areas being highly vegetated and others with limited tree cover. The land is located between Pacific Road near the top of the escarpment and Barrenjoey Road which runs adjacent to the Pittwater foreshore (see **Figure 1**).

The adjoining development to the lower part of the north boundary is a vacant lot with a dwelling house presently under construction. To the upper part is land with frontage to Pacific Road which contains a 2 level dwelling orientated to take advantage of western views over Pittwater. The dwelling to the upper part of the southern boundary has similar characteristics. To the south of the lower part of the site is a detached studio building associated with a house built close to the Barrenjoey Road frontage of this site.

To the east of the site are a seafood shop and the heritage item known as Barrenjoey House. These buildings are at the Barrenjoey Road level and there its retaining at the rear meaning that the site sits considerably higher than these buildings. There is also a well established hedge along the eastern boundary of these properties that substantially screens the site in views from Barrenjoey Road (see **Figure 5**).



Source - googleMaps

Figure 5 – development along Barrenjoey Road to west of site showing thick pine hedging along the boundary with the subject site

4

The Proposal

4. THE PROPOSAL

4.1 Design approach

The project architects have provided the following comments:

The design is harmonious with the site and prioritises the retention of its surrounding landscape. Large boulders and treescape are features which guide a meandering plan that arranges itself between rocks and protected gums to allow nature to thrive. Using a flexible pier footing construction, spaces can suspend above root systems and boulders as to encourage breezeways, leaving as much of the site as undisturbed as possible. Pavilions and half levels gradually rise up with the steep gradient, preventing imposing a dominant multi-storey façade and ensuring vegetation remains the dominant visual feature of the site.

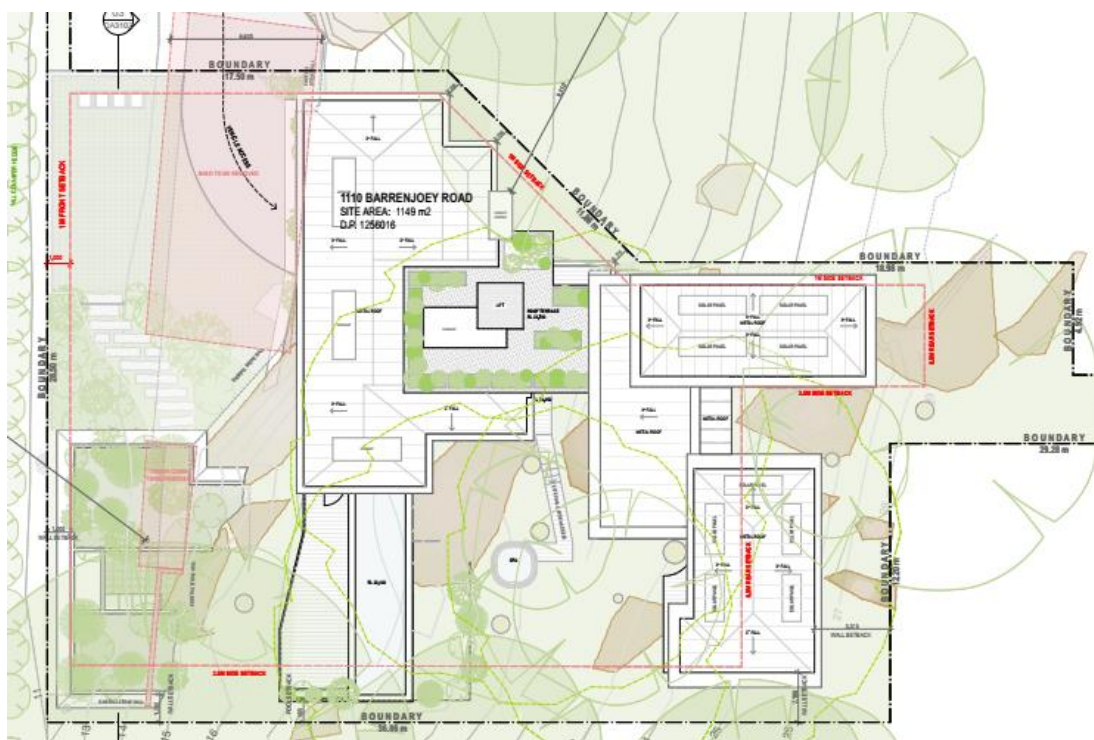


Figure 6 – plan indicating the meandering ‘stepped pavilion’ approach to building form

The proposed approach seeks to avoid large building mass and ‘boxy’ building forms that detract from the existing character of the area as indicated in the following examples.



Figure 7 - 1096 Barrenjoey Road



Figure 8 - 1128 and 1130 Barrenjoey Road



Figure 9 - 138 and 140 Pacific Road (top of photo)

4.2 Details of the proposal

The proposal includes:

- Excavation and removal of vegetation to allow construction of the new development on the site;
- A primary residence comprising:
 - A Ground Floor Level constructed to match the level of the existing driveway. This level contains a double garage and the main entry to the house including lift access. This level is primarily below existing ground level;
 - A small level containing a cellar which below ground but sits above the garage;
 - A First Floor Level sitting above the garage and cellar and containing a lobby, bathroom and laundry and an open plan living/dining kitchen area with large deck to Pittwater side. The deck is connected to a swimming pool which runs along the contours towards the southern boundary. A spa is also provided with access off the lobby area;
 - A Second Floor Level which sits further up the slope and away from the lower levels. This level contains 3 bedrooms including a main bedroom with ensuite. A bathroom is also provided. Access to this level is via a stair to the level below. A deck provides access to a roof terrace on top of the lower levels of the building;
 - A Third Floor Level comprising a small studio workspace which sits further up the slope and behind the level below;
- A secondary dwelling comprised of an open plan living/kitchen/dining area with bathroom and single bedroom is provided at the level of the existing driveway and

in the flat part of the site along the western boundary. Some minor additional excavation and retained will be needed to accommodate this building;

- Landscaping of the site as detailed on the submitted drawings;
- Provision of necessary infrastructure such as utilities and stormwater. A sewer main running across the upper part of the site will need to be relocated.

The building is of contemporary design and uses a range of materials (including stone and wood) and colours aimed at harmonising with the existing natural features of the site (see Figure 10).

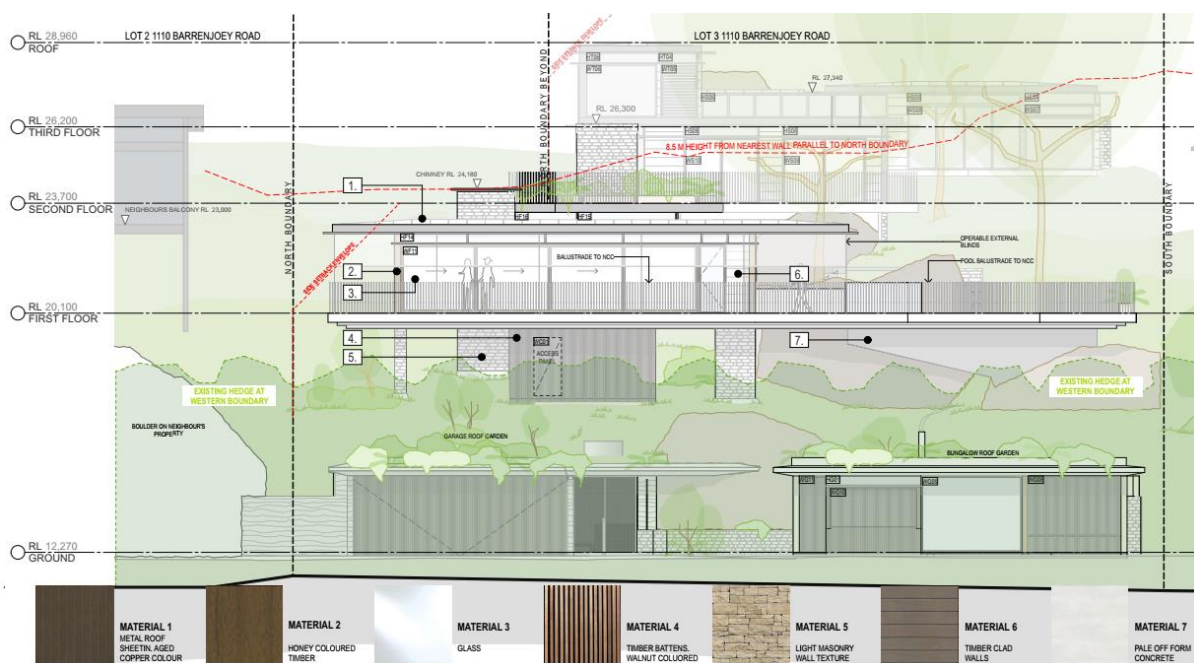


Figure 10 – proposed materials and finishes

5

Zoning and Development Controls

5. ZONING AND DEVELOPMENT CONTROLS

5.1 Zoning

Pursuant to the provisions of Pittwater Local Environmental Plan 2014 ('the LEP') the subject property is zoned E4 Environmental Living. The proposed use can be categorised as a dwelling house and a secondary dwelling. Both of these uses are permitted with consent pursuant to the zoning table for the E4 zone and Clause 2.3 of the LEP.

5.2 Development Controls

The following legislation and planning documents are relevant to the assessment of the subject DA:

- Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy No 55—Remediation of Land;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.

6

Evaluation under Section 4.15

6. EVALUATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1997

6.1 Environmental planning instruments

6.1.1 State Environmental Planning Policy (Coastal Management) 2018

Bases on the available mapping, this SEPP only applies to the access handle to Barrenjoey Road (see **Figure 11**) and a very small area along the western boundary. These areas are also within the Coastal Use Area and the Coastal Environment Area under the SEPP.

The relevant clauses of the SEPP generally relate to the protection of the environment and foreshore access. The proposal has no impact in relation to foreshore access. The environmental impacts of the development of the land are dealt with in the submitted Flora and Fauna Assessment. This report concludes that subject to appropriate mitigation measures, the proposal will not have any unreasonable impacts on the environment.

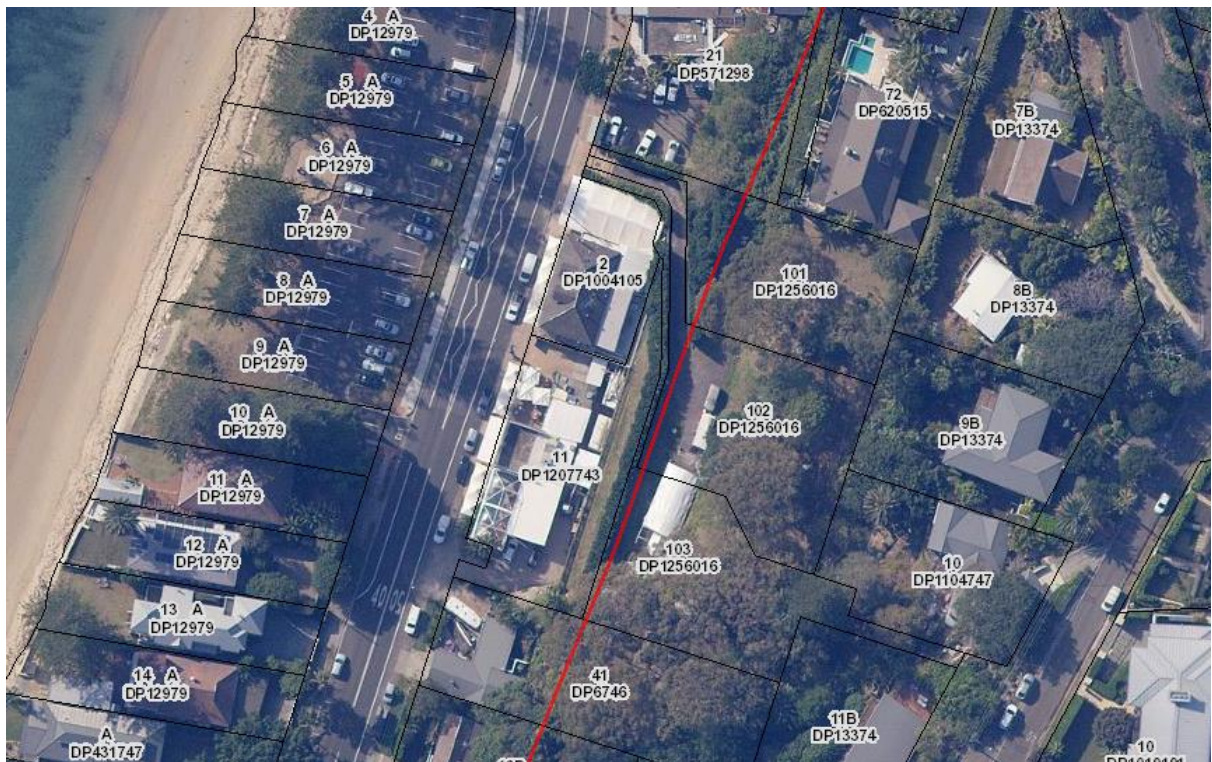


Figure 11 – Coastal Management SEPP application map

6.1.2 State Environmental Planning Policy (BASIX) 2004

A BASIX certificate has been submitted with the DA.

6.1.3 State Environmental Planning Policy No 55—Remediation of Land

The subject land has a long history of residential use and is unlikely to have been used for any purpose likely to have resulted in contamination.

6.1.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Under this SEPP consent is required for the removal of vegetation. As discussed in the submitted Arboricultural and ecological reports and in **Section 6.3.1** below, the proposed removal of trees is considered reasonable in the circumstances.

6.1.5 Pittwater Local Environmental Plan 2014

The following clauses of the LEP are relevant.

Clause 2.3 Zone objectives and land use table – the site is zoned E4 where a dwelling house and a secondary dwelling are permitted with consent.

Clause 4.3 Height of Buildings – pursuant to this clause and the relevant map, the site is subject to an 8.5m height control. The proposal complies with this control as indicated on the submitted plans (see **Figures 12 and 13**).

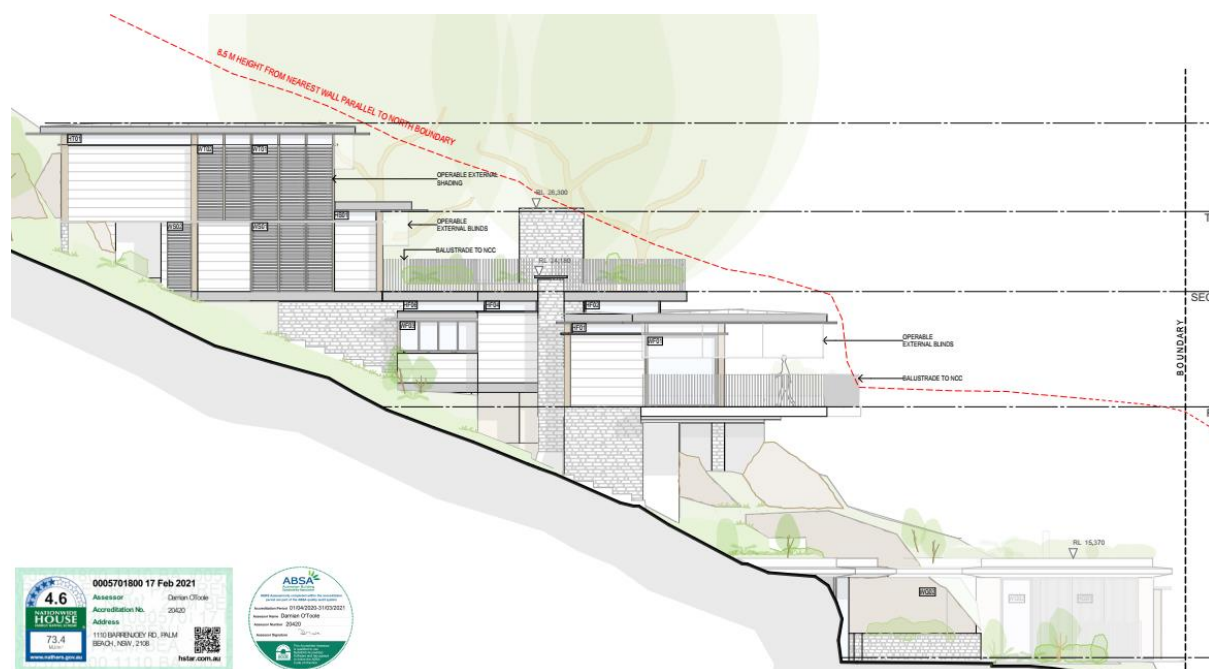


Figure 12 – North elevation showing 8.5m building height plane

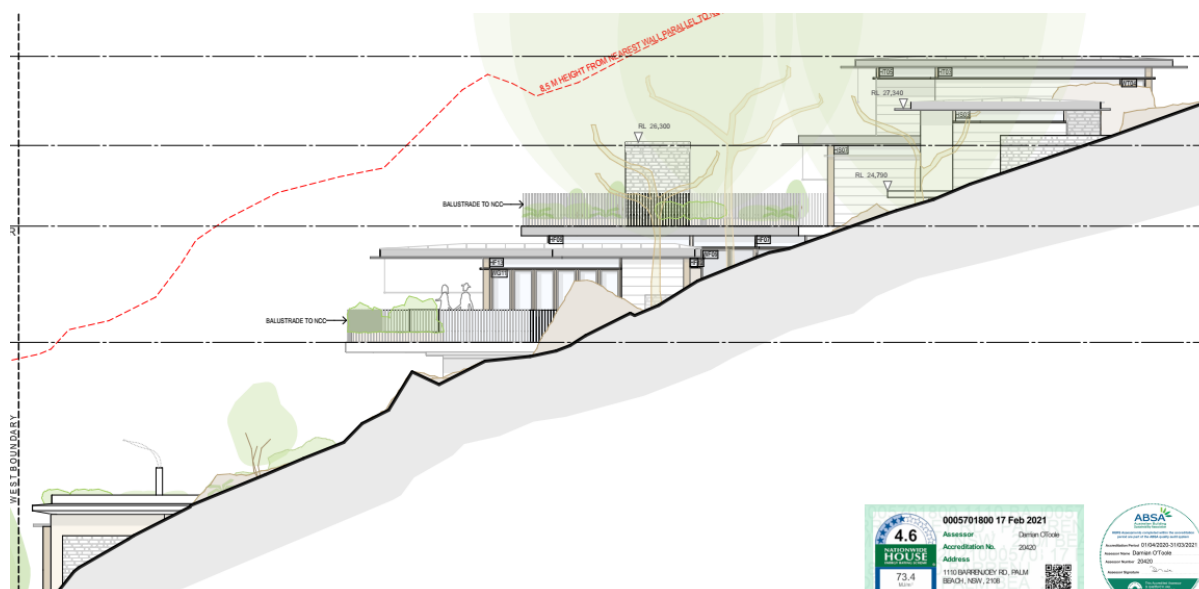


Figure 13 – South elevation showing 8.5m building height plane

Clause 7.1 Acid Sulfate Soils – the site is identified as containing Class 5 acid sulfate soils. Therefore, an acid sulfate management plan is not required.

Clause 7.2 Earthworks – the amount of cut and fill proposed is not unreasonable having regard to the sloping nature of the site. As discussed above, the design approach is to elevate the structure above ground level to a considerable extent to minimise excavation and therefore impact on trees. The proposal will meet the objectives of this clause. The geotechnical implications of the proposal are discussed in the separately submitted Geotechnical Report.

7.3 Flood Planning – this lot is not subject to flood risk.

7.5 Coastal risk planning – this lot is not indicated as being subject to coastal risk on the relevant map however it is subject to estuarine inundation. However, this appears to be limited only to the battleaxe handle close to Barrenjoey Road.

Clause 7.6 Biodiversity – the subject site is affected by this clause as indicated on the relevant map. The dwelling has been specifically designed to maintain as much tree cover as is possible. A detailed assessment of impact is contained in the submitted Arboricultural and ecological reports.

Clause 7.7 Geotechnical hazards – the subject site is affected by this clause as indicated on the relevant map. A Geotechnical Report has been submitted which concludes that subject to appropriate construction measures, the proposal can proceed with minimal risk.

Clause 7.10 Essential services – in accordance with this clause the following services are/will be available to the site:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

6.2 Draft environmental planning instruments

All the relevant draft EPI's of relevance to the proposal have been considered however there are no specific implications that arise.

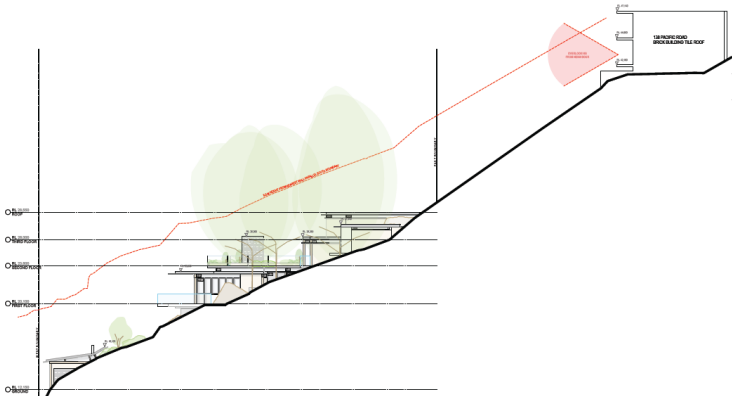
6.3 Development control plans

6.3.1 Pittwater 21 DCP

The relevant provisions of this DCP are considered in the following table.

Provision	Comment
<p>A3.4 Key objectives of the Pittwater 21 Development Control Plan</p>	<p>The proposal is consistent with the environmental, social and economic objectives of the DCP. The proposed development is compatible with the existing and desired future character of the area and in fact is less intensive than other development in the vicinity. Unlike many existing developments, it has been specifically designed to minimise the impact on the environment.</p>
<p>A4.12 Palm Beach Locality</p> <p>The salient points from the Palm Beach 'Desired Character' statement are noted and commented upon below.</p> <p>The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations</p> <p>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform</p>	<p>The proposed dwelling is a maximum of 2 storeys and is highly articulated.</p> <p>The built form is highly integrated with the landscape however there will be an impact on some existing trees as detailed in the submitted tree schedule and plan. Given that only 7 trees of any significance are proposed to be removed and 5 of the most significant trees are to be retained, this is considered a reasonable outcome and supported from an ecological point of view (refer to submitted Flora and Fauna Report). The impact will also be compensated by proposed planting. As can be seen in the montage the retention of trees will ensure the dominance of landscape over built form in views towards the site.</p> <p>The proposed secondary dwelling is sited where it will have minimal impact. In this regard there is an existing retained area in the SW corner of the site that can be modified with little impact (see survey plan and Figure 14). This area is relatively flat and has no adjoining neighbours that would be affected.</p> <div data-bbox="826 1375 1294 1989" data-label="Image"> </div> <p>Figure 14 – retained area near proposed secondary dwelling</p>

Provision	Comment
<p>and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.</p> <p>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.</p> <p>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</p>	<p>The height of both buildings complies with the LEP control and will be well below the existing tree canopy. The proposal respects the horizontal massing of existing built forms and includes significant façade modulation and use of materials and colours that will harmonise with the palette on the site.</p> <p>The proposed dwelling has a contemporary design and is highly articulated, partly in response to the preservation of existing large trees. Building form steps down with the slope as much as is practicable on this moderately to steeply sloping site.</p> <p>Tree removal is minimised to a degree that ensures that the landscape of the site will be the dominant element. With new planting the proposal will provide for an appropriate balance between built form and landscaping.</p> <p>The proposal is well removed from the adjacent heritage item of Barrenjoey House and will not have any adverse heritage impacts.</p>
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	The site is adjacent to Barrenjoey House however it is well removed from this building and does not have a strong visual relationship with it. The proposed design is of high quality and will maintain the vegetative backdrop to an appropriate degree, ensuring that the significance of this item will not be reduced.
B1.4 Aboriginal Heritage Significance	As advised by Council at the preDA meeting, the site has some aboriginal archaeological potential and so the DA will be referred for comment.
B3.1 Landslip Hazard	A Geotechnical Report submitted with the DA addresses this issue.
B3.2 Bushfire Hazard	The site is not subject to bushfire threat.
B3.6 Contaminated Land and Potentially Contaminated Land	The land is unlikely to have been used for any use that could cause contamination.
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	The submitted landscape plan meets the requirements of this section.
B4.7 Pittwater Spotted Gum Forest Endangered Ecological Community	The Spotted Gums on the site are identified on the submitted plan tree schedule and details have been provided on the health of these trees and which are proposed to be removed and retained. Overall, the removal of 4 trees is considered to be a satisfactory outcome and this is supported by the comments in the submitted ecological report.
B4.20 Protection of Estuarine Water Quality	The submitted stormwater details and appropriate water quality treatment during construction, will ensure that the proposal will not have any adverse impacts on the estuarine environment.
B5 Water Management	A stormwater plan has been submitted with the DA.
B6 Access and Parking	The dwelling is provided with a double garage in accordance with DCP requirements. Visitor parking is provided in the form of a widened driveway area in front of the garage.
B8 Site works management	Appropriate measures will be put in place during construction to ensure protection of the environment. Soil management plans have been submitted with the DA.
C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT	
C1.1 Landscaping	The submitted landscape plan will ensure the outcomes for this section are achieved.
C1.2 Safety and Security	The submitted architectural plans ensure the outcomes for this section are achieved.
C1.3 View Sharing	The proposal dwelling is well removed from existing neighbours and is at a much lower level than the adjoining neighbours at Pacific Road (see

Provision	Comment
	<p>Figure 15). Therefore, no views will be affected. In any event, the proposed dwelling sits well below the relevant 8.5m height control and complies all the other relevant LEP and DCP controls and the building has been sensitively designed. As such, any level of impact could not be deemed unreasonable.</p>  <p style="text-align: center;">Figure 15 – relationship with 138 Pacific Road</p>
C1.4 Solar Access	As indicated in the submitted shadow diagrams, the degree of overshadowing of adjoining houses will be minimal and will not result in less than 3 hours of solar access to living areas and private open space between 9am and 3pm at midwinter.
C1.5 Visual Privacy	<p>The proposal been sensitively designed to ensure that the privacy of neighbouring properties has been protected. In this regard, greater than complying setbacks, minimal openings, privacy screens and landscaping will all contribute to mitigating the potential for overlooking.</p> <p>The views from the proposed decks are elevated and toward Pittwater. Therefore, privacy screens to these decks are considered unnecessary.</p>
C1.6 Acoustic Privacy	The design measures referred to above will also mitigate acoustic impacts. All plant provided will meet the relevant noise standards.
C1.7 Private Open Space	The amount of private open space provided for this dwelling is more than the 80sqm required as detailed on the submitted plans. Whilst not all the areas indicated are suitable for active recreation, any increase in these types of spaces would require further cut and fill and would potentially affect more existing vegetation.
C1.11 Secondary Dwellings and Rural Worker's Dwellings	The proposed secondary dwelling is consistent with the requirements of this section.
C1.12 Waste and Recycling Facilities	A Waste Site Management Plan forms part of the DA documentation.
C1.15 Storage Facilities	The dwelling has space larger than 8cu.m within the garage to meet this requirement.
C1.20 Undergrounding of Utility Services	All utility services are provided underground.
C1.23 Eaves	The dwelling has eaves of at least 450mm.
D12 PALM BEACH LOCALITY D12.1 Character as viewed from a public place	The proposed dwelling is on a battleaxe block that is not highly visible from the public domain. In any event the building is highly articulated and integrates with the landscape. The proposal will result in a high quality visual outcome when viewed from the street and also the Pittwater waterway. The low density of the development together with retention of existing trees, the provision of new trees and the sensitive building design will ensure that the site has a more natural appearance than many other nearby residential areas.
D12.2 Scenic Protection general	The material provided with the DA demonstrates that the bushland character of the site will be dominant over the built form. This results from the design features of the proposal noted above.
D12.3 Building colours and materials	As detailed in Figure 10 the materials and colours of the proposal are naturalistic and are in keeping with the character of the locality.
D12.5 Front building line	NA

Provision	Comment
D12.6 Side and rear building line	<p>The required side setbacks are 1m to one side and 2.5m to the other side. The proposal complies with provision of a 1m setback to the northern boundary. There are some encroachments for the 2.5m setback to the southern boundary being the secondary dwelling, pool and deck and ensuite. However, given the relationship to the adjoining dwellings, which are located a considerable distance away with intervening vegetation and the configuration of the building which is built across the slope as much as possible, these encroachments are considered acceptable.</p> <p>The location of the secondary dwelling seeks to take advantage of an existing flat retained area in the SE corner of the site. This siting will not have any unreasonable impacts on neighbours.</p> <p>The rear 6.5m setback required is partly complied with and partly breached. Given the relationship to the adjoining dwelling, which is located a considerable distance away (at a much higher level – see Figure 14) with intervening vegetation and the configuration of the building which is built across the slope as much as possible, the encroachments are considered acceptable.</p>
D12.8 Building envelope	The proposal generally complies with the 3.5m/45 deg building envelope control as detailed in the submitted plans. Where there are encroachments, these arise due to the unique design which prioritises the minimisation of excavation and retention of trees. In any event the encroachments will not result in any adverse impacts.
D12.10 Landscaped Area - Environmentally Sensitive Land	<p>As indicated on the submitted plan, the proposed landscaped area is 60% as required. It is also noted this does not include the planted areas underneath proposed decks, which due to their elevated nature can easily accommodate significant planting. Including these areas would further increase exceedance of the control. This ensures that the objective of this control to creating a landscape setting which is compatible with this locality is achieved.</p> <p>There are also significant roof terrace plantings on the secondary dwelling and over the lower part of the main dwelling that will contribute to the overall high quality landscape outcome.</p>
D12.12 Fences - Flora and Fauna Conservation Areas	No fencing is proposed at this stage.
D12.13 Construction, Retaining walls, terracing and undercroft areas	Due to the slope of the land some retaining and filling of the land is required. However, the site will be suitably landscaped to ensure that these areas do not have an adverse visual impact. As can be seen on the submitted tree impact plan, most of the building forms sit above ground level with only limited areas being excavated.
D12.14 Scenic Protection Category One Areas	The proposal is designed to be in harmony with the topography and natural features of the site and will be consistent with the existing visual quality of the area.

6.4 Any planning agreement that has been entered into of draft agreement offered

There are no planning agreements or draft planning agreements that are of relevance to the proposal.

6.5 Any matter prescribed by the regulations that apply to the land

There are no regulations of specific relevance to the proposal.

6.6 The likely impacts of that development

The potential impacts of the proposal have been addressed in **Section 6.1** and **Section 6.3** of this report or in the assessment of specific issues in the other DA documentation.

6.8 The suitability of the site for the development

The site is typical of many in Palm Beach and is highly suited to a development of type proposed, which respects the environmental qualities of the site and provides a building form that harmonises with the natural landscape.

6.9 Submission made in accordance with this Act or the regulations

This is a matter for Council to consider however the proposal has been designed to minimise impacts on surrounding development.

6.10 The public interest

The proposal is considered to be in the public interest as it generally complies with the provisions of the LEP and DCP and will maintain the visual quality of the locality through a design which is sensitive to the site and its surrounds.

7

Conclusion

7. CONCLUSION

The subject dwelling has been specifically designed to have regard to the constraints and opportunities of the site. In this regard, the existing trees and rock outcrops are the most important features. The scenic quality of the area is the most important aspect of the public domain. The proposal seeks to provide a suitable balance between these and other site considerations. It does this by not providing a tall boxy building which does not respect the topography of the site (see the existing examples of this significantly detract from the scenic quality in **Section 3**). Not following this typology means that the building footprint must be larger. However, this is done in a way that steps the building up and across the slope, minimising excavation and therefore impact on existing vegetation. The building complies with the LEP height control and complies with the minimum landscaped area requirement.

The design and articulation of the building is of high quality and with sensitive use of materials and colours, the dwelling will harmonise with the vegetated character of the area.

We are of the view that the proposal provides for an excellent planning and environmental outcome for the site and seek Council's support for the proposal.

Appendix A

Minutes of preDA meeting with
Northern Beaches Council



Pre-lodgement Meeting Notes

- Application No:** PLM2020/0292
- Meeting Date:** 14 January 2021
- Property Address:** 1110 Barrenjoey Road, Palm Beach
- Proposal:** Construction of dwelling house and secondary dwelling including a swimming pool
- Attendees for Council:**
- Tony Collier – Principal Planner
 - Stephanie Gelder – Planner
 - Uma Shanmugalingam – Development Engineer
 - Brendan Gavin – Principal Planner (Heritage)
- Additional comments provided by:
- Alex Graham – Biodiversity Officer
 - Kevin Fernando – Engineer (Stormwater Assets)
 - Joseph Tramonte – Senior Landscape Architect
- Attendees for applicant:**
- Jorge Hrdina – Architect (Jorge Hrdina)
 - Vincent Hrdina – Junior Architect (Jorge Hrdina)
 - Benjamin Rowbotham – Architect (Jorge Hrdina)
 - Brett Brown – Planner (Ingham Planning)
 - Adam Rytenskiel – Owner

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Response to Matters Raised by the Applicant

List of all necessary consultants and reports

Please see the list of documentary requirements included later in these notes.

Site setback confirmation

Due to the site constraints of the site, the side setbacks are considered to address the objectives of Clause D12.6 Side and rear building line under the Pittwater 21 Development Control Plan.

Developments respect to proposed retained trees

The proposed development has taken into consideration existing trees on the site, with most trees being retained and integrated into the design.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility

Definition of proposed development: (ref. PLEP 2014 Dictionary)	<ul style="list-style-type: none"> Dwelling house Secondary dwelling
Zone:	E4 Environmental Living
Permitted with Consent or Prohibited:	Permitted with Consent

Part 4 - Principal Development Standards

Standard	Permitted	Proposed	Comment
4.3 - Height of buildings	8.5m	3.0m to 8.4m	Complies

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=P21DCP>

The following notes the identified non-compliant areas of the proposal only.

Section D – Locality Specific Development Controls (D12 – Palm Beach Locality)

Control	Permitted	Proposed
D12.5 – Front Building Line	10m or established building line, whichever is greater	Secondary Dwelling: 1.0m Garage: 10m Dwelling: 14m

Comment

The non-compliant element occurs at the western side of the single-storey secondary dwelling. A site inspection revealed that the location of the secondary dwelling is heavily concealed from view from Barrenjoey Road (by nature of its elevation and position directly behind No. 1102 Barrenjoey Road), the dense row of existing and to-be-retained Norfolk Pines and the neighbouring property to the south (i.e. No. 1100 Barrenjoey Road).



Section D – Locality Specific Development Controls (D12 – Palm Beach Locality)

Therefore, the non-compliant front setback could be supported in this particular instance.

D12.6 Side and Rear Building Line	<ul style="list-style-type: none"> • 2.5m to at least one side; • 1.0m for other side • 6.5m (rear) 	<u>North</u> (Side - 1.0m) 1.0m to 1.7m <u>South</u> (Side - 2.5m) Dwelling: 2.1m to 12.8m Secondary Dwelling: 1.2m Swimming Pool: 0.9m <u>East</u> (Rear) 3.4m to 9.6m
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Comment
 Despite the above-referenced non-compliances, the development exhibits a high level of articulation to both side boundaries and the nominated rear boundary such that, in conjunction with the topography and irregular shape of the site together with the pavilion design of the dwelling to respond to the natural features of the site, are considered to be minor incursions which do not adversely impact upon the amenity of neighbouring properties nor the environmental integrity of the site.
 Therefore, given the context of the site and the responsive style of the development, the non-compliance side and rear setbacks may be supported in this particular instance.

D12.8 Building Envelope	3.5m x 45°	North: Outside envelope South: Inside envelope
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Comment
 The development includes elements which extend outside the prescribed building envelope. The non-compliant elements occur at the northern side wall of the Studio and, to a lesser extent, to the northern side wall of the Living Room.
 Notwithstanding, the non-compliances are due to the sloping topography of the site of which the pavilion design has appropriately been stepped in response.
 Clause D12.8 enables a variation to the requirement and states “*where the building footprint is situated on a slope over 16.7 degrees (i.e. 30%), variation to this control will be considered on a merits basis*”. The site exhibits a slope of 43.6% (approx.) and can therefore be considered on a merit basis.
 An inspection of the site and approved plans revealed that neighbouring property to the north (No. 1110A Barrenjoey Road) will be sited a considerable distance (i.e. 13m) from the non-compliant elements such that, in conjunction with the topography of the site, the retained vegetation on both sites and the pavilion design of the development, visual impact would be minor.
 Furthermore, a review of the plans for the subject proposal and the site inspection revealed that the development would not have any adverse impact upon view sharing from the properties to the rear (namely Nos. 138 and 140 Pacific Road).
 Therefore, given the context of the site and the responsive style of the development, the non-compliance building envelopes may be supported in this particular instance.

Specialist Advice

Development Engineering

The following pre lodgement comments are provided for the proposed development. These comments are only preliminary in nature and a detailed assessment can only be provided upon lodgement:



Specialist Advice

- On-site stormwater detention (OSD) is to be provided for the proposal where the increase in the proposed impervious area exceeds 50 square metres in accordance with Council's Water Management for Development Policy (Clause 9.0).
- Provide turning area within the site to ensure vehicles can enter and exit the site in a forward direction. The driveway and parking facility grades and dimensions are to be in accordance with AS2890.1.
- Where a car parking space is to be provided for the secondary dwelling, the car space must comply with the requirements of AS/NZS 2890.1:2004.
- The site is located within the H1 hazard area, a Geotechnical Engineers Report and Forms are required to be submitted in accordance with Geotechnical Risk Management Policy for Pittwater – 2009 with the Development Application.

Heritage

The proposal is for the demolition of current site improvements and the construction of a new multi storey dwelling with a detached secondary dwelling. To the north west of the site is the heritage listed Barrenjoey House. Further to the west across Barrenjoey Road is the heritage listed Norfolk Island Pines within Pittwater Park. To the north east is the heritage listed cottage 'Winten' at 21 Palm Beach Road.

The majority of the proposal is acceptable to Heritage without comment. Heritage's concern relates to the expanse of the deck on the main living level stretching across the width of the site. Heritage would suggest that landscaping and vegetation be used in front of the pool area to help minimise the visual expanse of the deck, and maintain the vegetated curtilage behind Barrenjoey House. It would also be beneficial on the elevation plans to include the level of the conifer hedges that run along the rear of Barrenjoey House and 1102 Barrenjoey Road. Additionally a photomontage of the proposal taken from the car park within Pittwater Park looking up into the site would assist with assessing the potential visual impact on Barrenjoey House and its curtilage.

Documentary Requirements

- Heritage Impact Statement (noting statement included with pre-lodgement documents)
- Schedule of external materials and colours
- Photomontage from Pittwater Park

Biodiversity

Relevant Considerations

The following biodiversity-related provisions apply to the site:

- Biodiversity Conservation Regulation 2017 (specifically entry into the Biodiversity Offsets Scheme)
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Coastal Management)
- Pittwater LEP Clause 7.6 (Biodiversity Protection)
- Pittwater DCP Clause B4.4 (Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor)
- Pittwater DCP Clause B4.7 Pittwater Spotted Gum Forest – Endangered Ecological Community

Compliance with each of these provisions will need to be demonstrated within the submitted Statement of Environmental Effects (SEE) or supporting documentation.



Specialist Advice

Required Supporting Documentation

On review of the site and submitted pre-lodgement plans the following documentation is required to accompany the Development Application (DA):

- Arboricultural Impact Assessment / Tree Protection Plan
- Landscape Plan
- Ecological Impact Assessment (Flora and Fauna Assessment OR Biodiversity Development Assessment Report)

General Biodiversity Comments

In order to achieve consistency with the controls, the proposal must be designed and sited to avoid environmental impacts to the maximum possible extent. Removal of significant trees and important biodiversity values may not be supported if an alternative design solution is available.

Arboricultural Impact Assessment Comments

The draft submitted Arborist Report (RainTree 2020) details a total of 11 prescribed trees within the site. Pre-lodgement plans require the removal of seven (7) of these trees to be removed to facilitate the proposal. A Tree Protection Plan must be provided detailing measures to protect adjacent vegetation and trees.

Landscape Plan Requirements

To ensure consistency with Clause B4.7 of the Pittwater DCP, any Landscape Plan submitted must demonstrate that at least 80% of any new plantings incorporates native vegetation (as per species found on the site or listed in the Pittwater Spotted Gum Endangered Ecological Community). Found here: <https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/pittwater-spotted-gum-forest-endangered-ecological-community-listing#:~:text=The%20Scientific%20Committee%2C%20established%20by,Schedule%201%20of%20the%20Act.>

The Landscape Plan would also need to demonstrate no significant onsite loss of canopy cover or a net loss of canopy trees in accordance with Clause B4.4 and Clause B4.7 of the DCP.

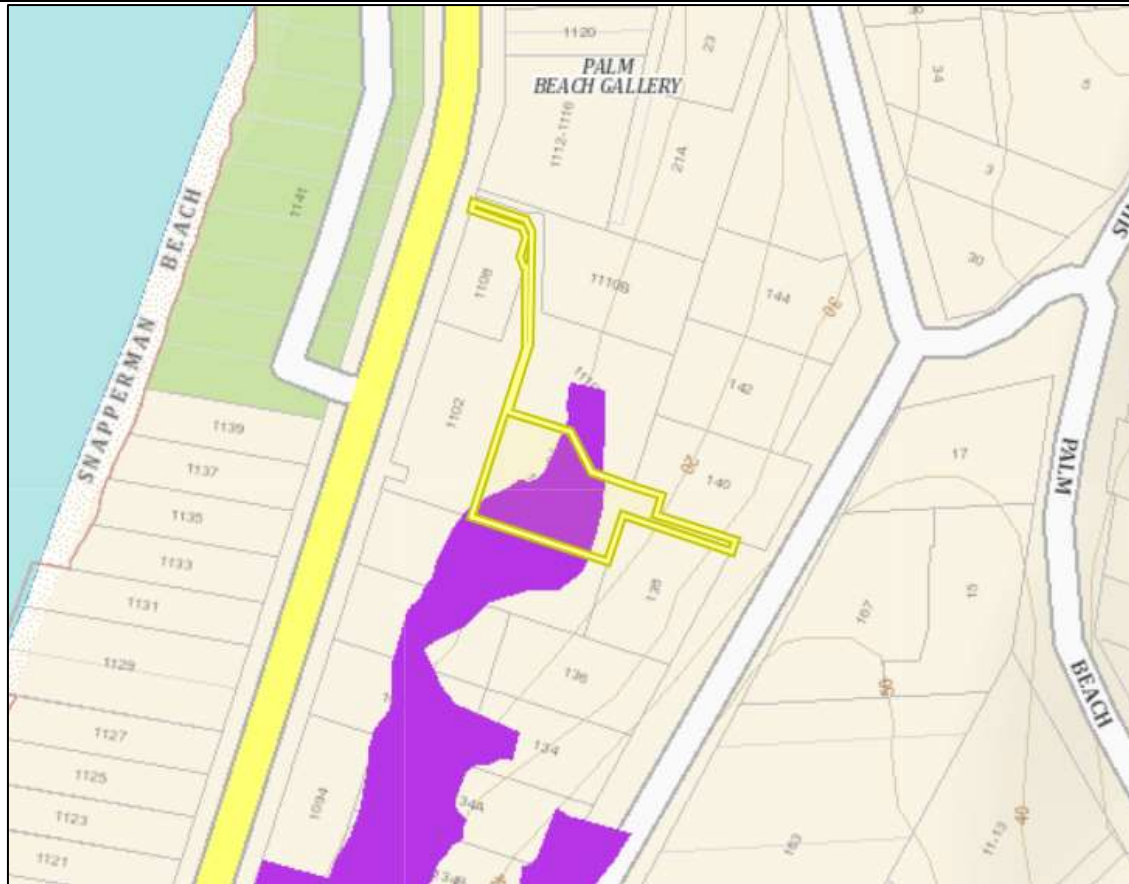
Flora and Fauna Assessment Comments

The draft Flora and Fauna Assessment (FFA) prepared by GIS Environmental Consultants is noted. The Biodiversity Referral team note that the date in which *Biodiversity Values* mapping by DPIE (pictured below) will come into effect following the 24 February 2021, not the 27 February listed in the FFA.

The applicant should be aware that updates to the Biodiversity Values Map and Threshold (BMAT) Tool were published on the 27 November 2020 by the Department of Planning, Industry and Environment (DPIE). In the recent update, new additional areas within the site (1110 Barrenjoey Road, Palm Beach) were included. Accessed here: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>



Specialist Advice



Any development that impacts on native vegetation included within DPIE's Biodiversity Values Mapping (purple polygon) following 90 days after publication (i.e. 24 February 2021 for this site), will trigger the Biodiversity Offsets Scheme (BOS). *Note: For the purposes of the BOS 'Native Vegetation' is the entity as defined under the 60B of the Local Land Services Act 2013.*

If the proposal trigger should be submitted after the 24 February 2021, or requires the removal of more than 0.25ha of native vegetation, the applicant will be required to submit a *Biodiversity Development Assessment Report (BDAR)* to be prepared by an Accredited Biodiversity Assessor in accordance with the Biodiversity Assessment Method (BAM) 2020.

Engineer – Stormwater Assets

There are no stormwater assets within the vicinity of the site. Therefore no issues raised from the Stormwater Assets team in respects to the proposal.

Landscape

General Landscape Comments

On review of the site and the pre-lodgements plans, the following information is required for development application, to minimise the built form and protect valuable vegetation:

- Landscape Plan
- Arboricultural Impact Assessment / Tree Protection Plan

Both reports shall be prepared in accordance with the DA Lodgement Requirements, inclusive of detailed landscape plans to demonstrate the design intent, and detailed Arboricultural Assessment to provide tree protection measures for trees to be retained and justify any removal.



Specialist Advice

The architectural plans are a considered response to the site character and incorporates the tree protection zones of proposed retained trees, and thus the design permits the retention of existing landscape features such as valuable existing trees of moderate to high retention value and associated rock outcrops. A number of existing trees are required to be removed and no design alternatives are available for retention.

No issues are raised by Landscape Referral.

Landscape Review

A detailed landscape plan, in accordance with the Northern Beaches Council DA Lodgement requirements, is required to satisfy the outcomes and controls of the DCP as noted below:

C1.1 Landscaping

In all development a range of low-lying shrubs, medium to high shrubs and canopy trees shall be retained or provided to soften the built form.

Replacement tree planting shall be included throughout the site in the vicinity of existing trees proposed for removal, and located at least 3 metres from buildings where elevated pier structures are utilised.

Boundary screen planting is required to provide a vegetation buffer and privacy to adjoining private open space areas. The screen planting shall be selected to achieve a mature height of at least 3 metres.

Arboricultural Review

An Arboricultural Impact Assessment is provided with the pre-lodgement plans. Additionally, a Tree Protection Plan is required to provide recommendations on all of or otherwise relevant protection measures such as tree fencing, ground protection, and trunk protection, for the following trees reported: Norfolk Island Pine (T1) and Spotted Gums (T8, T9, T16 and T18) within the site, and all existing trees within adjoining properties that are 5 metres of any development works.

Relevant Council Policies

You are advised of the following (but not limited to all) Council's policies available at [Council's website](#):

- [Community Participation Plan](#)
- [Stormwater drainage for low level properties PDS-POL 135](#)
- [Vehicle access to all roadside development: LAP-PL 315](#)

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled, dimensioned and labelled plans:
 - Site Plan
 - Floor Plans
 - Elevations
 - Sections
 - Landscape plan (including a list of any nominated species/replacement planting);
 - Schedule of Materials and Finishes (in colour)
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost Summary Report Form (see website)
- Survey Plan (including Boundary Identification)
- Site Analysis Plan



Documentation to accompany the Development Application

- Demolition Plan (if relevant)
- Excavation and fill Plan
- Waste Management Plan (Excavation, Construction & Demolition) – see website
- Driveway Design Plan (if any change is proposed to the driveway)
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Heritage Impact Statement
- Photomontage (in colour) of the development as viewed from Pittwater Park
- Arboricultural Impact Assessment and Tree Protection Plan
- Ecological Impact Assessment (Flora and Fauna Assessment OR Biodiversity Development Assessment Report)
- Geotechnical Engineers Report

Please refer to Development Application Lodgement Requirements for further detail.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 14 January 2021 to discuss construction of dwelling house and secondary dwelling including a swimming pool at 1110 Barrenjoey Road, Palm Beach. The notes reference the plans prepared by Jorge Hrdina Architects dated 26 November 2020.

The pavilion design of the development is considered to respond well to the topography and natural features of the site. A number of non-compliances have been identified but, as discussed in these Notes, could be supported given the minor nature of the non-compliances and their minimal level of impact to the public and neighbouring private domains.

Please ensure that the matters raised in these Notes have been satisfactorily addressed prior to the lodging of a Development Application.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.

Appendix B

Summary of changes to plans post pre-DA meeting

	Adam Rytenskild & Amanda Lee			
	1110 Barrenjoey Road, Palm Beach			
	Notable changes since last drawing set			
	Item	Previous Set 26/11/20	Updated	Description
	RL's	Ground: 12,150	Ground: 12,270	<ul style="list-style-type: none"> - Second level height increase to allow for clerestory glazing above dining - Third level height increase to allow more headroom in WC, and for greater floor thickness to allow for timber construction. - Roof level increased to allow for sufficient headroom in studio.
		First: 20,100	First: 20,100	
		Second 23,600	Second: 23,700	
		Third: 26,000	Third: 26,200	
		Roof: 28,550	Roof: 28,960	Complies. Building remains below 8.5m DCP height plane.
	Landscape Area	696 m2 (61% of site area)	715 m2 (62%)	Complies with 60% minimum. Building area has slightly increased but area under eaves included as these are planted areas unaffected by building structure.
	GFA's	247 m2	251 m2	Increase in studio internal space complies. No maximum GFA requirements for main dwelling. Secondary dwelling at 44m2 GFA compliant with max 60 sqm.
	Pool Plant Store	None included	Plant room below cellar shown	Store to be accessible from lift. Non habitable, 2m floor to ceiling height.
	Roof Eave Lengths			Eaves adjusted to be consistent and proportionate with each other. Slight overstepping of north setback. All roofs set back 650mm from boundaries.
	Bungalow Roof	Lightweight copper	Concrete green roof	Prioritising natural vegetation to be the dominant feature throughout the site
	Trees Removed	8 to be removed, 11 to be retained	11 to be removed, 8 to be retained	Advised by arborist and ecologist that tree 2, 3, 4 are located too close to dwelling for retention.
	Retaining		Retaining walls now shown in Garage, Laundry, WC 2.	Garage retaining slightly impinges on the north boundary setback. Has minimal impact to north neighbour. Area of excavation now 132 m2.

	Solar Panels	Panels on Bungalow Roof	Panels on studio and master bedroom roof	
	Other Adjustments		<ul style="list-style-type: none"> - Relocation of bungalow WC - New outdoor shower off Master Ensuite - Visitor Parking included - Extension of deck around South side of bedroom 2 	