



statement of environmental effects



NEW DWELLING HOUSE

1164 BARRENJOEY ROAD
PALM BEACH NSW 2108

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Jason Johnson & Portia Thomson to accompany the lodgement of a development application for the construction of a new dwelling house at 1164 Barrenjoey Road, Palm Beach (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by C&A Surveyors
- Architectural Plans by Rama Architects
- Landscape Plan by Rama Architects
- Arboricultural Impact Assessment by Peake Arboriculture
- Geotechnical Report by White Geotechnical Group
- Stormwater Management Plans by Stellen Consulting
- Construction Management Plan by Promena Projects
- Construction Traffic Management Plan by Transport and Traffic Planning Associates
- BASIX Certificate by Rama Architects
- Waste Management Plan by Rama Architects

site details

The site is legally identified as Lot 1 in Deposited Plan 398353, and is commonly referred to as 1164 Barrenjoey Road, Palm Beach. The site is trapezoidal in shape, with a 20.115m wide frontage to Barrenjoey Road to the north, a maximum depth of 38.170m and a total area of 745m².

A single storey dwelling is situated towards the front of the site, accessed from Barrenjoey Road by a stairway within the adjacent road reserve. There is currently no means of vehicular access to the site.

The land falls significantly, from a maximum RL of approximately 43.4m AHD at the rear boundary to a minimum RL of approximately 23.0m AHD along the front boundary. The land within the adjacent road reserve is equally as steep, with a further fall of 7.6m between the front boundary and the road pavement.

The site contains a number of canopy trees and rock outcrops.

The site is in an established residential area, surrounded by large dwelling houses of varying age and character, that are oriented towards available views to the north.

Barrenjoey Road is a two-lane arterial road, the southern side of which lacks formal kerb and guttering. The roadway is comparably narrow, with double white lines separating the lanes and no opportunity for on-street parking. Low voltage overhead wires traverse the frontage of the site.

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



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



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



Figure 3 – The subject site as seen from Barrenjoey Road
Source: NBP



Figure 4 –Views available from the existing dwelling
Source: realestate.com.au



Figure 5 – Neighbouring dwellings to the east at 1070, 1068 and 1066 Barrenjoey Road (L-R)
Source: NBP



Figure 6 – Neighbouring dwelling to the west at 1162 Barrenjoey Road
Source: NBP

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

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- Roads Act 1993 (**Roads Act**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
 - Acid Sulfate Soils Map: Class 5
 - Lot Size Map: 700m²
 - Land Zoning Map: C4 Environmental Living
 - Height of Buildings Map: 8.5m
 - Geotechnical Hazard Map: H1
 - Biodiversity Map: Biodiversity
- Pittwater 21 Development Control Plan (**P21 DCP**)
 - Palm Beach Locality
 - Landscaped Area 1

proposed development

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

- Demolition of the existing dwelling,
- Tree removal,
- Construction of a new multi-level dwelling comprising:
 - Garage Floor: Double garage with turning bay, storage, stair and lift access,
 - Services Floor: Laundry, gym, plant room, WC, stair and lift access,
 - Ground Floor: Entry, two bedrooms (one with an ensuite), front balcony, bathroom, rumpus room, WC, stair and lift access,
 - First Floor: Office, two main bedrooms (each with an ensuite), front balcony, storage, bathroom, stair and lift access,
 - Second Floor: Open plan kitchen/living/dining, bathroom, front terrace, stair and lift access,
 - Roof: Roof terrace.
- Swimming pool,
- Landscaping, and
- Stormwater infrastructure.

To facilitate the proposed new dwelling, the application also seeks consent for works within the adjacent road reserve, including a new driveway crossover, access driveway, retaining structures, access stairs, tree removal, landscaping and connection to the stormwater system. Pursuant to section 138 of the Roads Act, concurrence for these works is required from Transport for NSW (**TfNSW**), as Barrenjoey Road is a classified road.

environmental planning and assessment act

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

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

*state environmental planning policy
(biodiversity and conservation)*

Vegetation in Non-Rural Areas

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

The application proposes the removal of three (3) prescribed trees from the subject site, as identified in the accompanying Arboricultural Impact Assessment Report by Peake Arboriculture. The trees in question (Trees 27, 29 and 30) are identified as being of low-medium landscape significance, with low-medium retention values. The accompanying Landscape Plans by Rama Architects propose suitable replacement plantings, at a rate greater than 3:1, ensuring appropriate compensation for those proposed for removal.

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

*state environmental planning policy
(resilience and hazards)*

Remediation of Land

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

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

*state environmental planning policy
(transport and infrastructure)*

Clause 2.48 of SEPP (Transport and Infrastructure) requires the consent authority to give written notice of a development application to the electricity supply authority in circumstances where construction works are to be carried out within 2m of a power pole or within 5m of an exposed overhead electricity power line. It is assumed that Council will refer the development application accordingly.

*state environmental planning policy
(sustainable buildings)*

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

local environmental plan

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

Clause	Standard	Proposal	Compliance
Clause 2.3 Zone objectives and Land Use Table			Yes
Clause 2.7 Demolition requires development consent			Yes
Zone C4 Environmental Living			Yes See discussion
4.3 Height of buildings	10m	9.6m	Yes See discussion
7.1 Acid sulfate soils	Class 5		Yes
7.2 Earthworks			Yes See discussion
7.6 Biodiversity			Yes
7.7 Geotechnical hazards			Yes
7.10 Essential services			Yes

Clause 2.3 Zone objectives & Land Use Table and Zone C4 Environmental Living

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

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

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

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

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

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

- The proposed new dwelling is responsive to the context and character of the surrounding locality, with a form and scale that is compatible and commensurate with that of neighbouring and nearby dwellings.
- The dwelling is highly articulated and has been designed to step up the slope of the land.
- The dwelling is maintained below the 10m height plane that is applicable with respect to the subject site.
- Varied materiality that reflects the coastal seaside location and harmonises with the natural environment is incorporated into the design to further assist in reducing the bulk and scale of the development and to achieve consistency with the desired future character prescribed for the Palm Beach locality.
- The high-quality architectural design is complemented by a considered landscape solution, ensuring that the dwelling is secondary to landscaping when seen from the street.
- Whilst the proposal is reliant upon excavation, Council can be satisfied that the proposal has been designed to ensure that the impact is limited to the construction timeline, with a significant volume of excavated material put back following the construction of the garage. The extent of excavation proposed will not be readily visible from the public domain post construction, with the resultant dwelling having the appearance of a stepped two and three storey dwelling surrounded by landscaping, with a detached garage at street level.
- The extent of excavation proposed is consistent with that recently approved at 1168 Barrenjoey Road (two properties to the east) pursuant to DA2023/0577, which was confirmed to be consistent with the objectives of the C4 zone.

Clause 4.3 Height of buildings

The site is identified within Area I of the Height of Buildings Map of PLEP 2014. Pursuant to the provisions of 4.3(2) of PLEP 2014, the height of buildings within this area shall not exceed 8.5m when measured to existing ground levels. However, clause 4.3(2D) of PLEP 2014 provides a variation to enable buildings to reach a maximum of 10m in height if the development is consistent with the prescribed criteria. These matters are considered and are achieved, as follows:

- *the consent authority is satisfied that the portion of the building above the 8.5m height limit is minor,*

Comment: The exceedance of the 8.5m height plane is limited to the portions of the upper roof form, as shown in Figure 7 below. In consideration of the development as a whole, the portion of the development that extends above the height plane is appropriately described as minor.

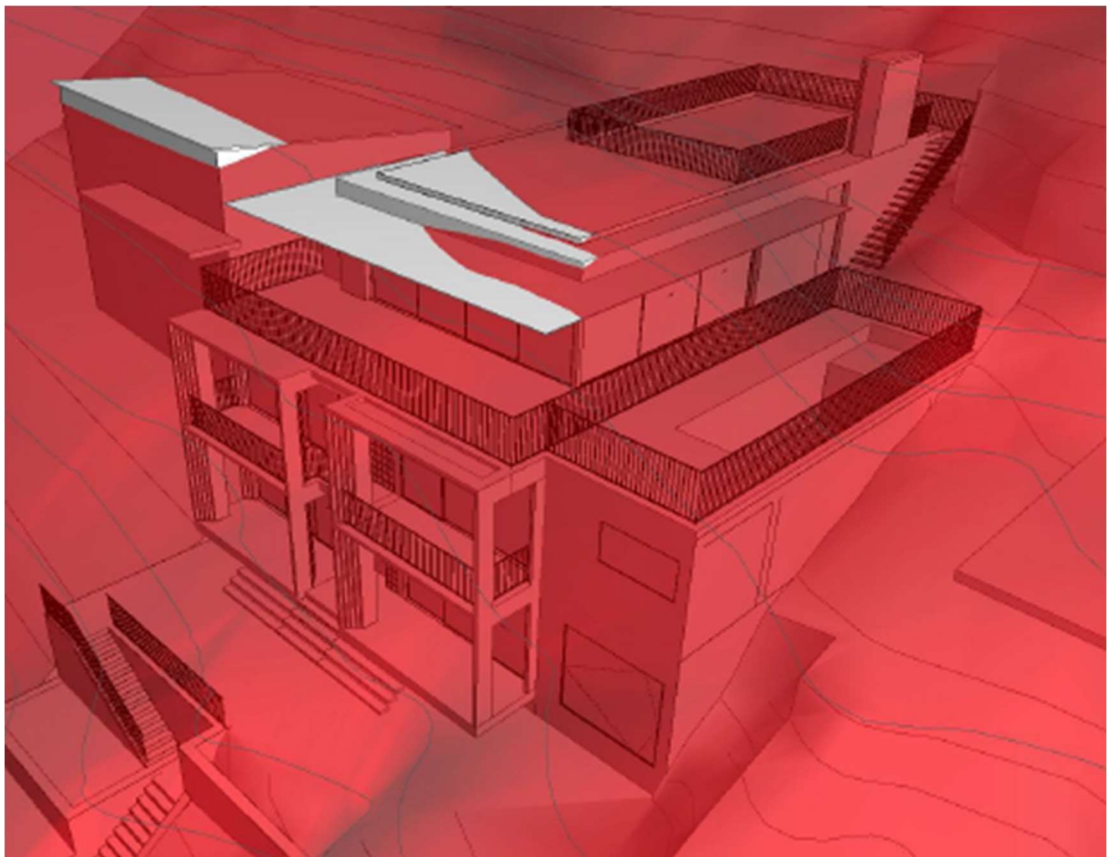


Figure 7 – Extract of 8.5m Height Blanket with portions of the development that protrude above the 8.5m height plan in white
Source: Rama Architects

- *the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
Comment: The land beneath the dwelling has a gradient of approximately 46% (12.2m/26.3m), as demonstrated in Section 01.
- *the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.*

Comment: The extent of excavation proposed is derived from the design of the garage and the need to provide movement in a forward direction. All efforts have been made to minimise the depth of this excavation, with the incorporation of maximum driveway gradients along the length of the access driveway, so that the garage is at the highest possible level.

The proposal then also provides an internal connection to the upper levels of dwelling by means of a stair and a lift, and whilst this element results in the greatest depth of excavation, the footprint of the internal connection has been appropriately minimised.

The upper levels of the dwelling are then sited as close to existing ground level as possible to avoid additional excavation over the parts of the building that extend beyond the footprint of the garage. As such, whilst the floor levels of the upper floors may be dropped to achieve greater compliance with the height plane, this would actually result in additional excavation beyond that necessary for the garage below.

The degree of excavation is entirely commensurate with that which has been approved and undertaken on sloping sites along Barrenjoey Road and throughout Palm Beach, and most importantly, the resultant development will appear as a three-storey dwelling that steps down in response to the slope of the land, separated from the garage by a high quality landscaped buffer.

Further, the objectives of clause 4.3 of PLEP 2014 must be achieved. Council can also be satisfied that the objectives of the building height clause are achieved, as follows:

- *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Comment: The desired future character of the Palm Beach Locality is identified in clause A4.12 of P21 DCP, which states the following with respect to height and scale:

The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape... Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale.

The resultant dwelling will sit below the canopy of surrounding canopy trees and is stepped in response to the slope of the site. Whilst the dwelling reaches a maximum of three storeys in any one place, the three-storey element is setback from the front facade and is appropriately minimised. The resultant dwelling is integrated into the hillside and is of a height that is commensurate with that of neighbouring and nearby dwellings.

- *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment: The height and scale of the resultant dwelling is compatible with surrounding dwellings. Consistent with the findings of the NSW LEC in the matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, to be compatible in an urban design context is to be capable of existing in harmony together. As demonstrated in the accompanying photomontage by Rama Architects (**Figure 8**), the resultant dwelling will sit harmoniously in the existing context of this stretch of Barrenjoey Road, and most observers

would not find the height or bulk of the proposed development to be offensive, jarring or unsympathetic as viewed from the street.



Figure 8 – Photomontage of proposed new dwelling
Source: Rama Architects

- *to minimise any overshadowing of neighbouring properties,*

Comment: The application is supported by shadow diagrams which confirm that the proposed development will not result in any unreasonable impacts upon adjoining properties with regard to solar access.

- *to allow for the reasonable sharing of views,*

Comment: The portions of the dwelling that extend above the 8.5m height plane do not result in any adverse impacts upon existing views, with oblique views from properties to the east and west maintained over the front setback and filtered views from the property to the south retained over the proposed roof (as shown in Section 03).

- *to encourage buildings that are designed to respond sensitively to the natural topography,*

Comment: The height of the development is stepped in response to the natural fall of the land. As demonstrated in the Sections and Elevations by Rama Architects, the proposal would comply with the 8.5m height plane if measured to assumed natural ground levels (excluding excavation associated with the existing dwelling).

Whilst excavation is proposed, the degree of excavation is entirely commensurate with that which has been approved and undertaken on sloping sites throughout the immediate locality and the wider LGA, including that recently approved at 1168 Barrenjoey Road pursuant to DA2023/0577.

- *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Comment: The dwelling is stepped in response to the fall of the land and comprises a range of different roofs forms and balconies to manipulate light and shade across the norther front facade. Landscaping is also proposed to soften the visual impact of the dwelling as seen from Barrenjoey Road. The proposal will not result in any adverse visual impacts upon the surrounding natural environment.

Overall, Council can be satisfied that the application of the 10m variable height limit prescribed by clause 4.3(2D) of PLEP 2014 is applicable and warranted in this instance.

Clause 7.2 Earthworks and 7.7 Geotechnical hazards

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

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

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

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

Comment: As above, the proposal is supported by a Geotechnical Report by White Geotechnical Group and Stormwater Management Plans by Stellen Consulting to ensure that the proposal does not result in disruption or detrimental effects on drainage patterns or soil stability.

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

Comment: The proposed earthworks will not have any adverse impacts upon the future use of the land for residential purposes.

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

Comment: As discussed with regard to SEPP Biodiversity and Conservation, the site has been used for residential purposes for an extended period of time and does not contain any known sources of contamination. Clean fill will be reintroduced to the site.

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

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

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

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

- *the likelihood of disturbing relics,*

Comment: The site does not contain any known relics or items of heritage significance.

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

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

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

Comment: The proposal has been designed to minimise adverse environmental impacts.

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

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

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

development control plan

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

Clause	Control	Proposal	Compliance
A1.7 Considerations before consent is granted	Have regard for the matters for consideration under section 4.15 of the EP&A Act.	The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above).	Yes
A4.12 Palm Beach Locality			Yes See discussion
B1.3 Heritage Conservation – General			Yes
B1.4 Aboriginal Heritage			Yes
B3.1 Landslip Hazard	Development is to comply with Council's <i>Geotechnical Risk Management Policy for Development in Pittwater 2009</i> .	The application is supported by a Geotechnical Report prepared by White Geotechnical Group.	Yes
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B4.17 Littoral Rainforest – Endangered Ecological Community	Development shall not result in an onsite loss of canopy cover or net loss in native canopy trees.	The proposal will not result in a net loss of canopy trees, with compensatory plantings proposed to offset those proposed for removal.	Yes
B5.15 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is supported by Stormwater Management Plans and Certification by Stellen Consulting, which demonstrate consistency with Council's Water Management Policy.	Yes
B6.1 Access Driveways and Works on the Public Road Reserve	Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles (which prescribe a maximum gradient of 1:4 for driveways within the road reserve).		Yes

Clause	Control	Proposal	Compliance
B6.2 Internal Driveways	Compliance with AS2890.1 Provision is to be made for vehicles to enter and leave the site in a forward direction, where the driveway enters onto a classified road.	The garage incorporates a turning bay to enable vehicles to turn to enter and exit in a forward direction.	Yes
B6.3 Off-Street Vehicle Parking Requirements	2 spaces (minimum)	2 spaces	Yes
B8.1 Construction and Demolition – Excavation and Fill			Yes
B8.3 Construction and Demolition – Waste Minimisation			Yes
B8.4 Construction and Demolition – Site Fencing and Security			Yes
B8.5 Construction and Demolition – Works in the Public Domain			Yes
B8.6 Construction and Demolition – Traffic Management Plan	Where either excavated material to be transported from the site or the importation of fill material to the site is 100m ³ or greater, a Construction Traffic Management Plan is to be provided and approved by Council prior to the commencement of works.	The application is supported by a Construction Traffic Management Plan by Transport and Traffic Planning Associates.	Yes
C1.1 Landscaping	All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. At least 2 canopy trees are to be provided in the front yard and 1 in the rear yard. 60% of the front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street.	The proposal seeks to reintroduce fill atop of the garage, to achieve a high-quality landscaped buffer forward of the dwelling. As shown in Section 01, soil depths above the garage are to be a minimum of 2.7m, which will more than adequately accommodate the landscaping proposed. This also ensure that, with the exception of the access	Yes

Clause	Control	Proposal	Compliance
	<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 • 1m for trees 	stairs, the entire frontage of the site is landscaped.	
C1.2 Safety and Security			Yes
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposal will not result in any adverse impacts upon views currently enjoyed by adjoining properties, which are obtained in a northerly direction.	Yes
C1.4 Solar Access	3 hours of direct sunlight to the main private open space and windows of principal living areas between 9am and 3pm in mid-winter.	<p>The application is supported by Solar Access Diagrams by Rama Architects, which confirm that the proposed development will not result in any unreasonable impacts upon adjoining properties with regards to solar access.</p> <p>Further, high levels of solar access will be enjoyed by future occupants of the proposed dwelling.</p>	Yes
C1.5 Visual Privacy	Private open space and living rooms of adjoining dwellings are to be protected from direct overlooking.	The proposed is oriented towards the front and rear of the site and achieves an appropriate balance between maintaining suitable levels of visual privacy and maximising available views.	Yes
C1.6 Acoustic Privacy			Yes
C1.7 Private Open Space			Yes
C1.12 Waste and Recycling Facilities	All development must comply with the appropriate sections of the Waste Management Guidelines and must be accompanied by a Waste Management Plan.	The application is accompanied by a Waste Management Plan by Rama Architects consistent with Council's Waste Management Guidelines.	Yes

Clause	Control	Proposal	Compliance
C1.13 Pollution Control			Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and Regulation.	The proposed swimming pool is designed in accordance with the Swimming Pools Act and Regulation.	Yes
C1.25 Plant, Equipment Boxes and Lift Over-Run	Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building.		Yes
D12.1 Character as Viewed from a Public Place	Walls without articulation shall not have a length greater than 8 metres to any street frontage. Parking structures should be located behind the front building line, preferably set back further than the dwelling.	The proposed development is well articulated, with no walls exceeding 8m in width presenting to the street. The proposed garage is sited forward of the front building line and forward of the proposed dwelling.	No See discussion
D12.3 Building Colours and Materials	Dark and earthy tones.	The proposed development is to comprise dark and earthy tones and natural stone, as demonstrated on the accompanying Schedule of Finishes by Rama Architects on DA-000.	Yes
D12.5 Front Building Line	10m	Garage Floor: Nil Services Floor: 6.9m Ground Floor: 4.9m - 6.9m First Floor: 4.9m - 6.9m Second Floor: 6.0m – 9.6m	No See discussion
D12.6 Side and Rear Building Line	East side: 2.5m West side: 1.0m Rear: 6.5m	East side: 2.5m West side: 1.7m Rear: 10.1m	Yes
D12.8 Building Envelope	Buildings maintained within a plane projected at 45 degrees from existing ground level along the side boundary.	Minor portions of the eastern elevation protrude beyond the prescribed building envelope.	No See discussion

Clause	Control	Proposal	Compliance
D12.10 Landscaped Area – Environmentally Sensitive Land	60%	55%	No See discussion
D12.13 Construction, retaining walls, terracing and undercroft areas			Yes
D12.14 Scenic Protection Category One Area			Yes

Clause A4.12 Palm Beach Locality

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

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

Clause D12.1 Character as Viewed from a Public Place and Clause D12.5 Front Building Line

Clause D12.1 of P21 DCP prescribes that parking structures should be located behind the front building line, preferably set back further than the dwelling. The minimum front building line is prescribed by clause D12.5 of P21 DCP, and a minimum setback of 10m applies at the subject site, as it adjoins Barrenjoey Road.

The proposed development is non-compliant regards to both of these controls, with the garage and each level above encroaching within the 10m front setback to varying degrees.

However, the proposal is consistent with expressed provisions of clause 12.5 of P21 DCP which allow for variation of the front setback for parking structures on steeply sloping sites, and in consideration of the established building line and the degree of cut and fill.

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

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

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

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

Comment: The proposed non-compliance with the front building line does not result in any unequitable impacts upon views from neighbouring properties, particularly noting that the proposed front building line is consistent with that of neighbouring properties.

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

Comment: The non-compliance with the front setback does not result in any adverse amenity impacts for future residents of the dwelling, particularly as the habitable floor are located well above street level.

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

Comment: Despite non-compliance with the front setback, a high quality landscaped outcome will be achieved to screen the dwelling as seen from the street.

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

Comment: Vehicle manoeuvring in a forward direction is facilitated.

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

Comment: N/A – The site does not have a rural or bushland character. Nonetheless, the landscaped character of the site is preserved and enhanced.

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

Comment: The front building line non-compliance will not detract from the existing streetscape, noting that the proposed siting of the garage is generally consistent with the location of other garages along Barrenjoey Road and as the dwelling above is in the same alignment as neighbouring dwellings. The proposal will be seen as a two and three storey dwelling that is separated from a detached garage by a generous landscaped buffer.

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

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

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

Comment: The front setback of the proposed dwelling is appropriately responsive to the footprint surrounding and nearby dwellings, as demonstrated in **Figure 9** and **Annexure 1**. This is largely due to the considerable slope of the land, which falls steeply towards the street.

The proposed development has been designed to sit close to the Barrenjoey Road frontage in order to minimise excavation and site disturbance on the site. Strict compliance with the 10m minimum front setback would push the dwelling further up the slope of the site, increasing its visibility and prominence in the streetscape.



Figure 9 – Aerial image of Barrenjoey Rd with 10m front building line shown in the dashed red line
Source: Nearmap and NBP

Clause D12.8 Building Envelope

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

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

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

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

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

Comment: The proposed development is responsive to the character of the streetscape and will sit below the height of existing and proposed canopy trees. The non-compliance with the prescribed building envelope will not be readily perceived from the public domain, noting that the upper floor is set in from the level below (consistent with the intent of the building envelope control). As demonstrated in the accompanying photomontage (**Figure 10**), the proposed development will sit below the established and proposed tree canopy, and the massing and scale is consistent with that on adjoining sites.



Figure 10 – Photomontage of proposed new dwelling
Source: Rama Architects

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

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

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

Comment: The resultant dwelling house is well articulated, with varied materiality and balconies and awnings to shade the external walls of the dwelling and to actively minimise the visual impact of the development.

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

Comment: The minor areas of building envelope non-compliance will not result in any unreasonable impacts upon views currently enjoyed by adjoining dwellings.

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

Comment: An appropriate balance is achieved between the obtainment of views and privacy between properties, with no unreasonable additional overshadowing arising from the building envelope non-compliance.

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

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

Clause D12.10 Landscaped Area – Environmentally Sensitive Land

The proposed development has a landscaped area of 405.4m² or 54.8%, inconsistent with the 60% minimum landscaped area required by this control. However, this calculation excludes the area of reintroduced landscaping atop of the proposed garage (being the area shown dashed in **Figure 11**). When this area is included, the landscaped area calculation is increased to 453.5m² or 61.3% of the total site.

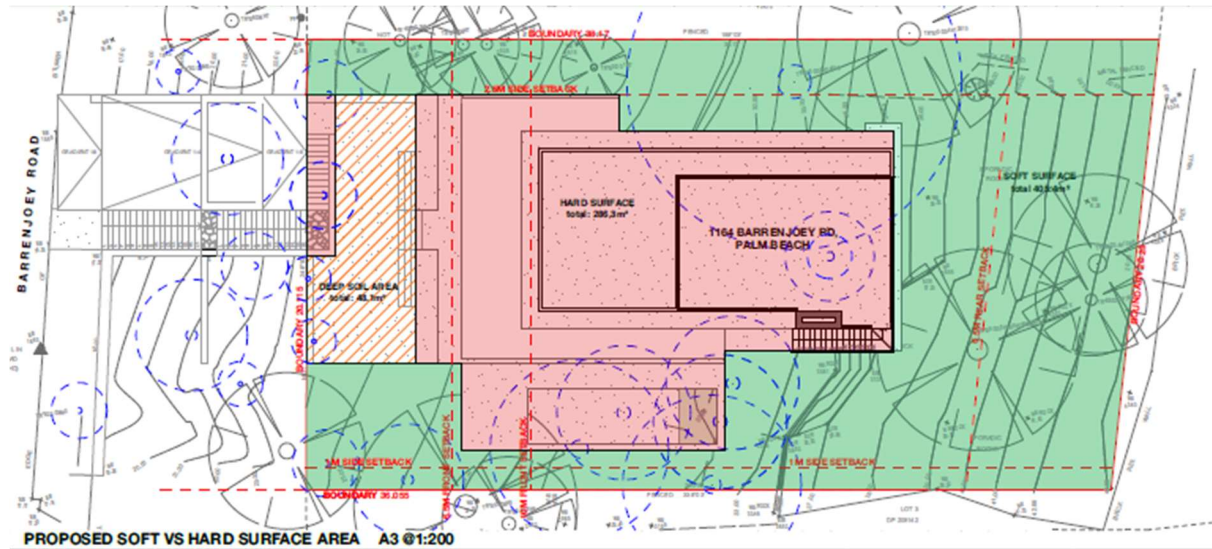


Figure 11 – Extract of Landscape Calculations Plan
Source: Rama Architects

The inclusion of this area is reasonably warranted in the circumstances of this site as the proposal has not utilised any expressed variation prescribed by this control, such as that associated with pathways or the ability to include 6% of the total site area used for outdoor recreation. Further, the area in question is genuine deep soil landscaping, with soil depths of approximately 2.7m, far exceeding the 1m minimum soil depth for trees prescribed by clause C1.1 of P21 DCP. As a result, the area/percentage of the site to be landscaped is far greater than that typically achieved by virtue of the expressed variations.

conclusion

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

The proposal seeks to rely upon expressed variations to the front building line and building envelope controls and involves non-compliance with the minimum landscaped area prescribed. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved.

Whilst the proposal is reliant upon excavation, Council can be satisfied that the proposal has been designed to ensure that the impact is limited to the construction timeline, with a significant volume of excavated material put back following the construction of the garage. The extent of excavation proposed will not be readily visible from the public domain post construction, with the resultant dwelling having the appearance of a stepped two and three storey dwelling surrounded by landscaping, with a detached garage at street level.

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



Rebecca Englund

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Clause D12.5 Front Building Line

Analysis of the front building line of neighbouring and nearby properties along Barrenjoey Road.



Figure 9 – Aerial image of Barrenjoey Rd with 10m front building line shown in the dashed red line
Source: Nearmap and NBP