

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Alterations and additions  
including swimming pool,  
spa and deck**

**1 Norma Road, Palm  
Beach**

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# 1 Introduction

## 1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for alterations and additions involving a swimming pool, spa, rear deck, and associated structures to the property at 1 Norma Road, Palm Beach.

The proposal is depicted in the accompanying architectural plans by Blue Sky Building Design. A summary of the key aspects of the proposal are noted as follows:

- Swimming pool to rear – at RL 101.25
- Swimming pool and spa - at RL 101.25
- Amenities and pool equipment storage room below –at RL 96.65
- Deck area to west at RL 101.3

### Garden areas

- Access stair to northern side
- Retaining walls as shown
- Landscape planting as shown

## 1.2 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory and the development application may be approved by Council.

### **1.3 Pre-DA lodgement neighbour consultation**

The applicants undertook consultation with the owners of the neighbouring properties in relation to the proposed development. Profiles of the structure were also erected to facilitate an improved understanding of the proposal's form and location. Feedback from the neighbours was received, and as a result, the following design modifications and information has formed part of the DA submission

- Pool length shortened from 8.5m to 8.2m
- Pool width reduced from 4.0m to 3.9m + 0.6m ledge
- Pool depth reduced from 2.1m to 1.8m at the 'deep-end' and to 1.8m to 1.2m at the 'shallow-end'
- Glass wall removed to (rear) south-eastern edge. 300mm glass panel remains.
- Pool equipment storage level raised by 1.2m to RL 96.65 from 95.45 to reduce excavation
- South-western side – pool water-line setback minimum 1m from the boundary
- North-eastern side – pool water-line 120mm within side setback for a maximum distance of 1.2m
- Planting added to southwest side and rear to visually enhance the pool structure
- Shadow diagrams provided
- Building profiles have been erected on-site and certified by a registered surveyor to assist neighbours and council assess the impact of the proposed structure.

## 2 Site Analysis

### 2.1 Site and location description

The site is located at 1 Norma Road, Palm Beach and legally described as Lot 2 in Deposited Plan 418586. The site has an area of 967.5m<sup>2</sup>.

The site is irregular in shape with a north-western frontage of 22.18m to 9.33m (to Norma Road), north-eastern side boundary 49.345m, south-western side boundary 63.855m and south-eastern (rear) boundary of 6.98m.

The land contains a two storey rendered residential dwelling with tile roof and a concrete driveway.

The site is located on the south-eastern side of Norma Road near its intersection with Bynya Road. The topography slopes away from Norma Road with a level difference of approximately 8.76m between the front and rear boundaries (RL105.3 at the street down to RL96.54 at the rear boundary).

There is a significant 5.5m change in levels between the rear of the dwelling house and the rear yard within the property. As a result, the rear section of the site is currently underutilised and encounters restricted access.

Morella Reserve is a relatively large (approx.1.2 ha) area of public land (zoned E2) that adjoins the south-eastern corner of the site. It is treed and of a natural, vegetated character.

Swimming pools, decks and terraces are a common feature of properties within the local area. There is a pattern of these structures to the rear/east of dwelling houses which enjoy easterly views to the ocean and coastline. A swimming pool is located within the northern adjacent property at 3 Norma Road and to the south at 75 Bynya Road in similar locations to that proposed on the subject site.

The figures on the following pages depict the character of the property and its existing development.



**Figure 1 – Location of the site within its wider context (courtesy Northern Beaches Mapping)**



**Figure 2 – Alignment, orientation and spatial layout of the subject site and adjoining properties (courtesy Northern Beaches Council)**



## 3 Environmental Assessment

### 3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Pittwater Local Environmental Plan 2014
- State Environmental Planning Policies – as relevant
- Pittwater Development Control Plan

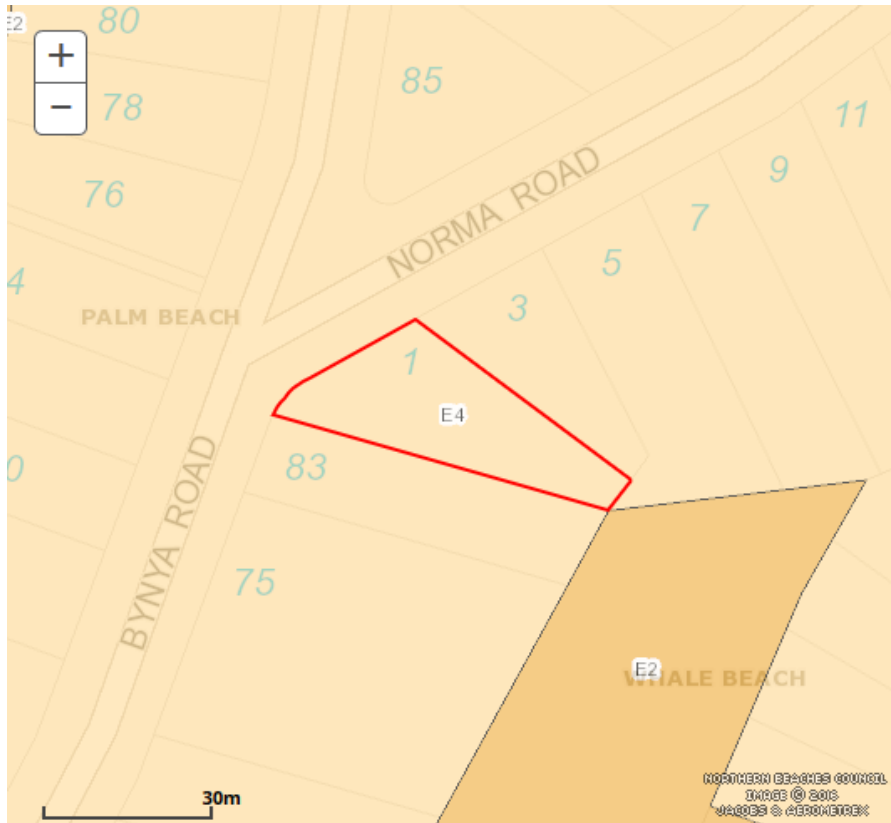
The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

## 4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

### 4.1 Pittwater Local Environmental Plan 2014 – Zoning

The property is zoned E4 Environmental Living Low Density Residential under the Pittwater Local Environmental Plan 2014 (LEP) as is most of the surrounding land.



**Figure 3 – zone excerpt (Council's website)**

The proposal constitutes alterations and additions to the existing property including a new swimming pool. The proposal is permitted within this zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated 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.*

It is assessed that the proposed development is consistent with the zone objectives as is located appropriately upon the site and it retains a low impact residential use. Based on the information accompanying this DA, the proposed development does not give rise to any unacceptable ecological, scientific, or aesthetic impacts. Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

## 4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

\	Response	Complies
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size - 700m <sup>2</sup>	NA	NA
LEP Clause 4.3 – Height of Buildings	Complies as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being flood affected.	Yes
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 7.1 Acid sulfate soils	<p>The land is identified on the LEP Maps as being affected by Class 5 acid sulfate soils.</p> <p>Modest excavation is proposed within the southern section of the site below the existing site levels (being at approx. RL 96 AHD) which is above AHD RL 5.00.</p> <p>Based on the above the proposed development satisfies the considerations within clause 7.1 and the site is suitable for the development proposed.</p>	Yes
LEP Clause 7.2 Earthworks	Modest excavation is proposed below the existing site levels.	Yes

\	Response	Complies
	<p>The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 7.2(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above, the proposal has made appropriate consideration of clause 7.2 of the LEP and makes appropriate arrangements to satisfy the provisions of this clause.</p>	
LEP Clause 7.5 Coastal risk planning	The proposed works are not located within a coastal risk area.	NA
LEP Clause 7.6 Biodiversity	<p>Pursuant to Clause 7.6, the site is identified on the biodiversity map.</p> <p>The proposed works are located on a section of the site that has formed part of the rear landscape garden area of the dwelling house that has been long established upon the property.</p> <p>No prescribed trees are proposed to be removed because of the proposed development.</p> <p>Based on the above, it is assessed that it is unlikely that the proposal would have an adverse impact on any threatened ecological community. The provisions of clause 7.6 are assessed as being satisfied by the proposal.</p>	Yes
LEP Clause 7.7 - Geotechnical hazards	<p>The site is identified as being subject to geotechnical hazard H1 upon council's maps.</p> <p>The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 7.4(3) of the LEP and results in appropriate outcomes against these criteria.</p> <p>Based on the above the proposed development satisfies the considerations within clause 7.1 and the site is suitable for the development proposed.</p>	Yes
LEP Clause 7.10 - Infrastructure	The dwelling is established on the property and is serviced by the appropriate infrastructure.	Yes

## **4.3 State Environmental Planning Policy**

### **4.3.1 State Environmental Planning Policy - BASIX**

The proposed swimming pool is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

### **4.3.2 SEPP (Vegetation in Non-Rural Areas) 2017**

Vegetation is prescribed under Pittwater DCP for the purposes of SEPP (Vegetation in Non-Rural Areas) 2017. The proposal does not involve the removal of any prescribed trees and therefore the provisions of this policy are satisfied by the proposal.

### **4.3.3 State Environmental Planning Policy No 55 – Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

### **4.3.4 State Environmental Planning Policy (Coastal Management) 2018**

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018. It is applicable because the site is within the designated:

- Clause 13 coastal environment area
- Clause 14 coastal use area

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

**Clause 13 - Development on land within the coastal environment area**

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
<b>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</b>	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	<ul style="list-style-type: none"> <li>The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(b) coastal environmental values and natural coastal processes,	<ul style="list-style-type: none"> <li>The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	<ul style="list-style-type: none"> <li>Provision of appropriate stormwater management has been made for the site.</li> <li>The proposal does not relate to sensitive coastal lakes identified in Schedule 1</li> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	<ul style="list-style-type: none"> <li>The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	<ul style="list-style-type: none"> <li>The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(f) Aboriginal cultural heritage, practices and places,	<ul style="list-style-type: none"> <li>The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(g) the use of the surf zone	<ul style="list-style-type: none"> <li>Not relevant to the assessment of the proposal.</li> </ul>
<b>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</b>	
(a) to the development is designed, sited and will be managed to avoid an adverse impact	<ul style="list-style-type: none"> <li>Responses have been made above in relation to the considerations within</li> </ul>

13 Development on land within the coastal environment area	Response
<i>referred to in subclause (1), or</i>	<p>subclause (1).</p> <ul style="list-style-type: none"> <li>▪ The proposal is assessed as satisfactory in relation to these considerations.</li> </ul>
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> <li>▪ Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u> .	<ul style="list-style-type: none"> <li>▪ Noted; not applicable.</li> </ul>

### Clause 14 Development on land within the coastal use area

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i>	
(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions.</li> </ul>
(ii) <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> </ul>
(iii) <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<ul style="list-style-type: none"> <li>▪ The proposal is commensurate with the nature and scale of development on adjoining properties. It will not result in any significant additional visual impact on the coastal foreshore. Nor will result in</li> </ul>

14 Development on land within the coastal use area	Response
	<p>significant loss of views from a public place to the coastal foreshore.</p> <ul style="list-style-type: none"> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Relatively modest alterations and additions are the subject of this DA.</li> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> <li>▪ Noted; not applicable.</li> </ul>

## 4.4 Bushfire Prone Land - Rural Fires Act 1997

The site is within a bushfire prone area and subject to the provisions of the Rural Fires Act 1997. As a result, the proposal is accompanied and supported by a bushfire protection assessment report. Subject to compliance with the report's recommendations, the proposal satisfies planning for bushfire protection requirements.



## 5 Development Control Plan

### 5.1 Overview

In response to Section 4.15 (1)(iii) of the Act, the Pittwater Development Control Plan (DCP) is applicable to the property. Relevant provisions of the DCP are addressed below.

### 5.2 Palm Beach Locality

The property is within the Palm Beach Locality.

The proposed development adopts the built form and scale of swimming pools from its immediate context, resembling the prevailing, terraced, landscape character within the elevated hillside topography.

The design promotes the desired landscape character of the area through retaining the existing rock self, stepping down the levels of the proposed deck, additional planting proposed to the southern side and rear of the proposal.

The proposed swimming pool and associated structures incorporate materials characteristic of the locality and provide an appropriate presentation to adjoining land.

The proposal is commensurate with the nature and scale of development on adjoining properties. It will not result in any significant additional visual impact on the coastal foreshore.

### 5.3 Principal Built Form Controls

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

Control	Requirement	Proposed	Complies
<b>Part D: Locality Specific Development Controls</b>			
Front setback	6.5m or established building line, whichever is the greater	6.5m.	Yes
Side and rear setbacks	Side setbacks: <ul style="list-style-type: none"> <li>2.5m one side</li> <li>1m to other side</li> </ul> Measured at 90 degrees from the boundaries	Swimming pool (including spa) boundary to coping: <ul style="list-style-type: none"> <li>North-east – 450mm to 1,300mm</li> <li>South-west – 0.6m to 1.8m</li> </ul> Rear deck: <ul style="list-style-type: none"> <li>North-east – approx. 4.3m</li> <li>South-west – 940mm to 1.98m</li> </ul>	No No Yes No
For swimming pools and spas, a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following: <ul style="list-style-type: none"> <li>satisfactory landscaping within the</li> </ul>		The numerical variation is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal, as provided below: <ul style="list-style-type: none"> <li>The property comprises angular boundary</li> </ul>	

Control	Requirement	Proposed	Complies
	<p>setback from the pool or spa coping to the side or rear boundary, and</p> <ul style="list-style-type: none"> <li>▪ Council is satisfied that the adjoining properties will not be adversely affected, and</li> <li>▪ the pool or spa is not more than 1 metre above ground level (existing), and</li> <li>▪ that the outcomes of this clause are achieved without strict adherence to the standards, and</li> <li>▪ where the site constraints make strict adherence to the setback impractical, and</li> <li>▪ where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.</li> </ul>	<p>alignments and variable building setbacks. Furthermore, the configuration of the allotment narrows towards its south-eastern point, reducing in width at the rear of the allotment, making strict compliance with the numerical side setback control difficult to achieve.</p> <ul style="list-style-type: none"> <li>▪ The extent of the side setback exceptions are minor and occur only at isolated points for short distances of the proposed structure.</li> <li>▪ As noted within section 5.2 of this report the proposed development outcome is assessed as being consistent with the desired future character of the locality.</li> <li>▪ The bulk and scale of the proposed built form is minimised through its utilisation of existing site levels and location within an area of the topography where there is a distinct change in levels.</li> <li>▪ Landscaping planting is proposed within the south-western side setback. Access stairs are proposed within the north-western side setback and increase the separation between the proposed spa/pool and the north-eastern side boundary.</li> <li>▪ As addressed below, the proposed location is appropriate in maintaining privacy to the adjoining development.</li> </ul> <p>Based on the above it is assessed that the exception is modest, and the objectives of the control are satisfied. Therefore, there are appropriate circumstances for the flexible application of the control.</p>	
	Rear setback: 6.5 m	8.4m	Yes
Building Envelope	3.5m at 45 degrees plane to maximum building height boundary	Modest exceedances are proposed within each side elevations as shown within figures 8 and 9 below.	No
<p>Objectives</p> <ul style="list-style-type: none"> <li>▪ To achieve the desired future character of the Locality.</li> <li>▪ To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.</li> <li>▪ To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.</li> <li>▪ The bulk and scale of the built form is minimised.</li> </ul>		<p>The numerical variation is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal, as provided below:</p> <ul style="list-style-type: none"> <li>▪ As noted within section 5.2 of this report the proposed development outcome is assessed as being consistent with the desired future character of the locality.</li> <li>▪ An appropriate bulk and scale is proposed noting that the exception occurs for a relatively short length owing to a sudden change/fall in the topography.</li> <li>▪ The proposal will not result in the loss of any significant trees and will maintain adequate</li> </ul>	

Control	Requirement	Proposed	Complies
	<ul style="list-style-type: none"> <li>▪ <i>Equitable preservation of views and vistas to and/or from public/private places.</i></li> <li>▪ <i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.</i></li> <li>▪ <i>Vegetation is retained and enhanced to visually reduce the built form.</i></li> </ul>	<p>areas to sustain a garden setting within the property.</p> <ul style="list-style-type: none"> <li>▪ The proposed exception will not adversely impact upon the streetscape.</li> <li>▪ As noted within the table below, the proposed development outcome is assessed as satisfying the DCP's solar access requirements and will provide appropriate amenity to the adjoining properties. There will be no excessive or unreasonable amenity impacts arising from the building envelope exceedance.</li> <li>▪ Inappropriate view impact is not anticipated from the proposed building envelope exceedance; further addressed in response to 'Views' below.</li> </ul> <p>Based on the above it is assessed that the exception is modest, and the objectives of the control are satisfied. Therefore, there are appropriate circumstances for the flexible application of the control.</p>	
	<p>Landscaped Area – General E4 and Area 1</p> <p>60% minimum. Site area: 967.5 m<sup>2</sup>, Required: 580 m<sup>2</sup></p>	<p>Existing- 512.5m<sup>2</sup> / 53%</p> <p>Proposed- 419.5m<sup>2</sup> / 43.5%</p>	<p>No</p> <p>No</p>
	<p>Objectives</p> <ul style="list-style-type: none"> <li>▪ <i>Achieve the desired future character of the Locality.</i></li> <li>▪ <i>The bulk and scale of the built form is minimised.</i></li> <li>▪ <i>A reasonable level of amenity and solar access is provided and maintained.</i></li> <li>▪ <i>Vegetation is retained and enhanced to visually reduce the built form.</i></li> <li>▪ <i>Conservation of natural vegetation and biodiversity.</i></li> <li>▪ <i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i></li> <li>▪ <i>To preserve and enhance the rural and bushland character of the area.</i></li> <li>▪ <i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</i></li> </ul>	<p>An exception of 161m<sup>2</sup> or 27.7% of the requirement is proposed to the Landscaped Area control. This comprises a 92.5m<sup>2</sup> reduction in the existing landscaped area which is 68m<sup>2</sup> under the DCP control.</p> <p>The numerical variation is acknowledged, and justification is provided in response to the control objectives, the circumstances of the site, and the merits of the proposal, as provided below.</p> <ul style="list-style-type: none"> <li>▪ The design promotes the desired landscape character of the area through retaining the existing rock self, stepping down the levels of the proposed deck, the additional planting proposed to the southern side and rear of the proposal.</li> <li>▪ A large natural area adjoins the eastern rear of the site (approx. 1.2ha in area). It contributes to site's the landscape setting and the spatial separation to nearby residential land to the rear/ east.</li> <li>▪ The bulk and scale of the proposed built form is minimised through its utilisation of existing site levels and location within an area of the topography where there is a distinct change in levels.</li> <li>▪ Adequate areas are maintained to</li> </ul>	

Control	Requirement	Proposed	Complies
		<p>accommodate trees, gardens, and turfed spaces to contribute to the amenity of the area.</p> <ul style="list-style-type: none"> <li>The proposal meets and exceeds the minimum requirements for private open space for the residents of the property.</li> <li>The proposal does not involve the removal of prescribed trees.</li> <li>As noted below, the proposed development outcome is assessed as satisfying the DCP's solar access requirements and will provide appropriate solar amenity to the adjoining properties.</li> <li>The proposal will not inappropriately change/ impact upon existing stormwater disposal.</li> </ul> <p>Based on the above it is assessed that the exception is appropriate, and the objectives of the control are satisfied. Therefore, the circumstances are appropriate for the flexible application of the numerical aspect of the control.</p>	
<b>Part C: Development Type Controls</b>			
Private Open Space (PoS) (C1.7 DCP)	<p>80 m<sup>2</sup> at ground floor</p> <p>16 m<sup>2</sup> (out of the 80m<sup>2</sup>) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%)</p>	<p>Rear yard including pool greater than 80 m<sup>2</sup>.</p> <p>The proposal will add valued areas of private open space that are accessible from the dwelling house and increase utilisation of the rear part of the site.</p>	Yes
Solar Access (C1.4 DCP)	<p>Min 3 hours to each proposed dwelling within the site.</p> <p>Min 3 hours to neighbouring dwellings PoS areas.</p> <p>In accordance with Clause C1.4 the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the</p>	<p>The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading.</p> <p>They demonstrate that some additional shade from the proposal will be cast over the rear of the adjacent property at 83 Bynya Road, mainly between 9am and 12pm. The shade will not cast on the principal valuable main open space on the property but on a landscaped area at the rear of the property. The shade from the existing dwelling house, accentuated by the south-east facing topography shades the hill side during the afternoon period.</p> <p>It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the</p>	Yes

Control	Requirement	Proposed	Complies
	glazed area.	provisions of the control are satisfied.	
Views (C1.3 DCP)	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>Given the steeply sloping topography, the siting of the proposed additions within a section of the lower topography on the site and the compatibility of the proposed built form with that of the adjoining and nearby development, the proposal is not anticipated to significantly or impede established views from surrounding residential properties or any public vantage points and satisfies the control.</p> <p>Building profiles have been erected on-site and certified by a registered surveyor to assist neighbours and council assess the impact of the proposed structure.</p> <p>It is noted that access has not been gained (by author of this report) to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties.</p> <p>At this stage, noting the above characteristics, it is assessed that the proposal is unlikely to result in an inappropriate view sharing outcome.</p>	Yes
Privacy	DCP objectives.	<p>Privacy has been considered in the proposed design. The following key aspects are noted:</p> <ul style="list-style-type: none"> <li>▪ As previously addressed, appropriate side building setbacks are exhibited by the proposal.</li> <li>▪ Landscaping planting is proposed within the south-western side setback.</li> <li>▪ Access stairs are proposed within the north-western side setback and increase the separation between the proposed spa/pool and the north-eastern side boundary.</li> <li>▪ Morella Reserve provides significant separation to the nearby properties to the rear, south-east of the site.</li> <li>▪ Due to the elevated hillside location and the expansive coastal views available from the location, there is a pattern of elevated</li> </ul>	Yes

Control	Requirement	Proposed	Complies
		<p>balconies pools and terraces within the properties in this location. This results in an extent of overlooking of the rear open spaces of the neighbouring properties that the proposal will be commensurate with.</p> <ul style="list-style-type: none"> <li>It is concluded that the proposal will not unreasonably affect the visual privacy of the neighbouring properties.</li> </ul>	
<b>Part B: General Controls</b>			
B5.10 Stormwater Discharge into Public Drainage System.	Connected by gravity means to street or established piped system.	Connected to the existing system.	Yes
Car Parking (B6.5 DCP)	2 spaces per 2 or more bedroom dwelling	No change.	NA
<b>RESIDENTIAL DEVELOPMENT CONTROLS</b>			
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	<p>The proposed development will not be visible from the site's street frontage.</p> <p>The proposal is of a character and scale that will be compatible with other development within the site's hillside context.</p>	Yes
Scenic Protection – General	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>The proposed development will be within a hillside landscaped setting and will present appropriately to the street.</p> <p>The proposal is of a character and scale that will be compatible with other dwellings within the site's context.</p>	Yes
Building Colours and Materials	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and</p>	<p>The proposed development will present appropriately to the public spaces and adjoining land.</p> <p>The proposed materials and finished will employ earthy tones, compatible</p>	Yes

Control	Requirement	Proposed	Complies
	<p>contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p> <p>Damage to existing native vegetation and habitat is minimised.</p>	<p>with the location and context.</p>	



5.4 Plans and images

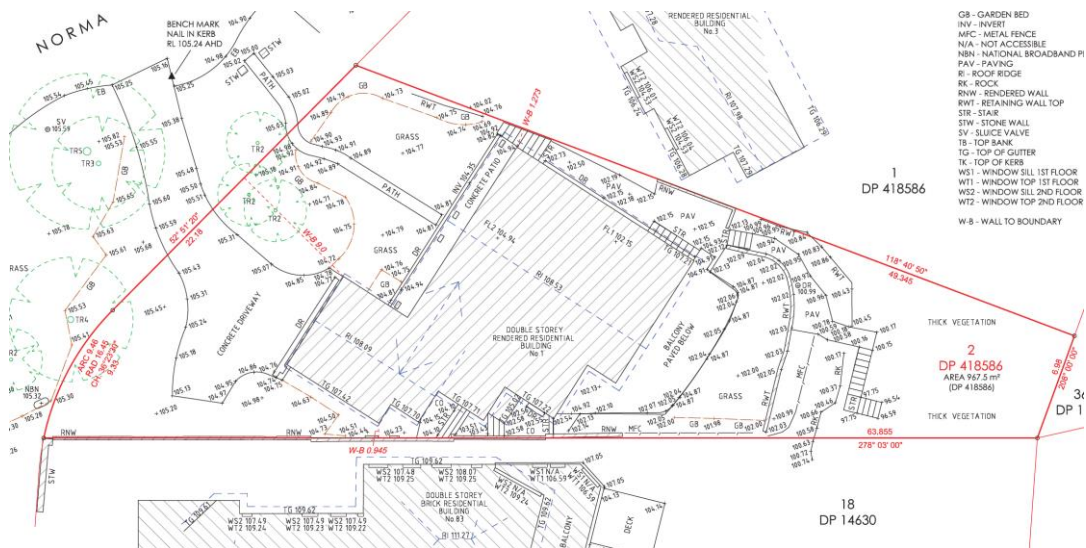


Figure 4 – existing allotment and development configuration

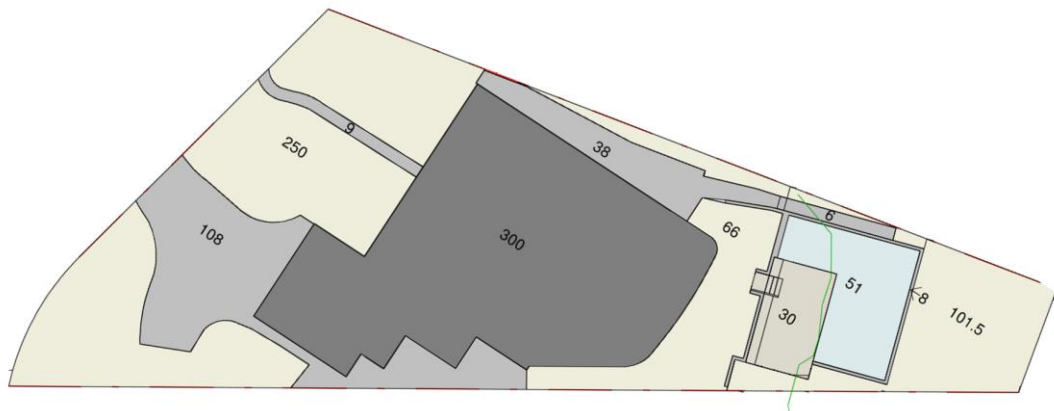


Figure 5 – proposed development configuration and footprint.



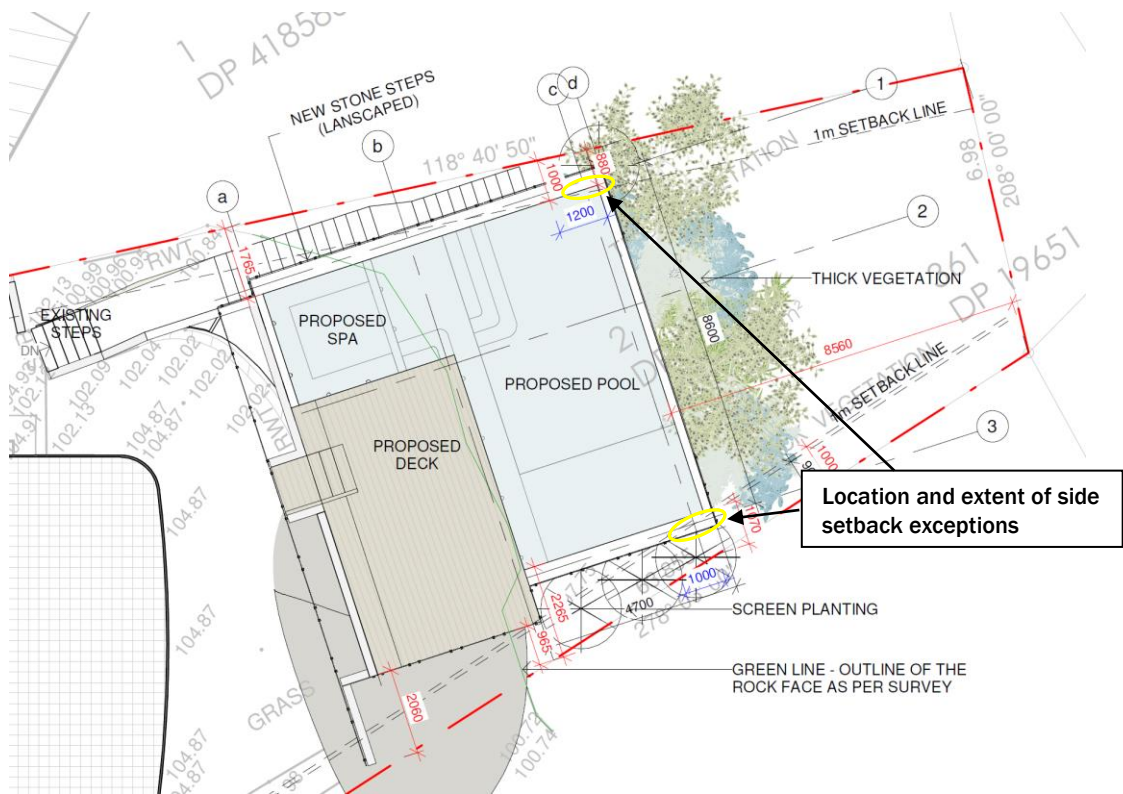


Figure 6 – Location and extent of side setback exceptions



Figure 7 – the subject site and the local, hillside development context where there are examples of swimming pools being located to the rear of dwelling houses

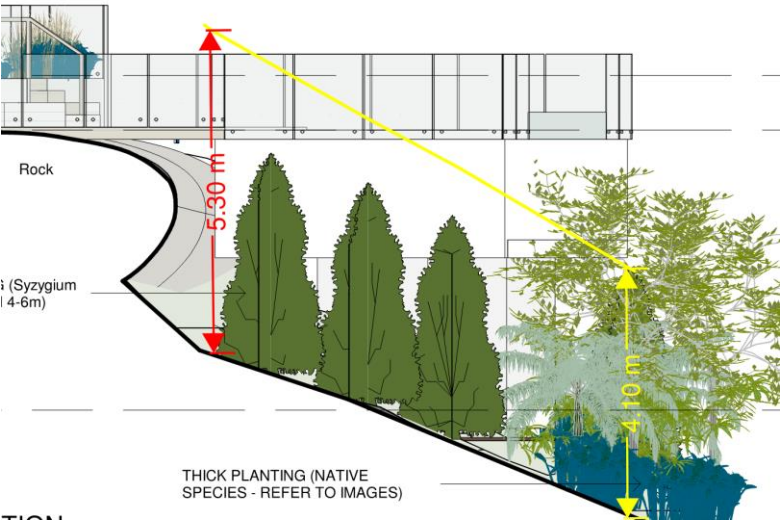


Figure 8 – south-eastern elevation side boundary envelope exception

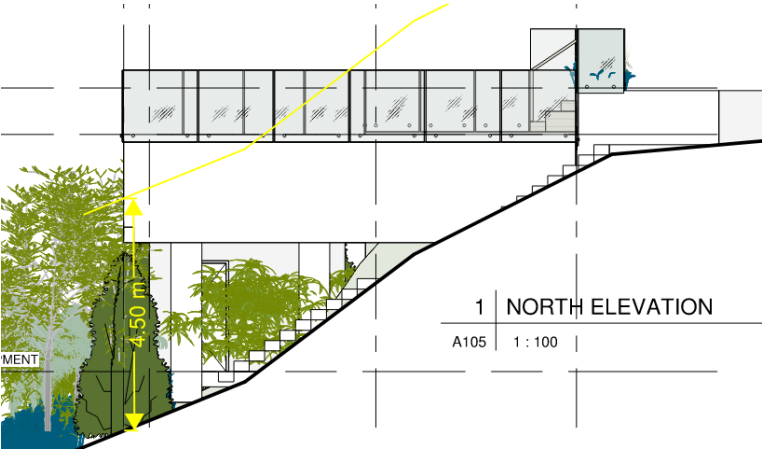


Figure 9 – north-western elevation side boundary envelope exception

## **6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary**

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social benefits arising from the renewal of existing property's recreational areas.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

## 7 Conclusion

The application seeks development consent for alterations and additions involving a swimming pool, spa, rear deck, and associated structures to the property at 1 Norma Road, Palm Beach.

The proposed alterations and additions are permissible and consistent with the intent of the built form controls as they are reasonably applied to the site circumstances.

The exceptions proposed to the planning controls have been appropriately acknowledged and their acceptability assessed, having regard to the relevant site circumstances and the planning objectives.

This report demonstrates that the proposal is appropriately located and configured to complement the property's established character and the exceptions will not give rise to unacceptable residential amenity or streetscape consequences.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

**BBF Town Planners**



**Michael Haynes**  
Director