



Statement of Environmental Effects



Demolition of existing
structures and construction of
a dwelling house

346- 352 Whale Beach Road, Palm Beach

Submitted to Northern Beaches Council
On Behalf of The Applicant

March 2021

REPORT REVISION HISTORY

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APPENDICES

Appendix	Document	Prepared by
1	Clause 4.6 Request - Height of Buildings	City Plan
2	Architectural Plans	Harry Seidler Architects (HSA)
3	Landscape Plans	Danger Barin Smith
4	Survey Plan	Adam Clerke Surveyors Pty Ltd
5	Geotechnical Report	JK Geotechnics
6	Heritage Report	City Plan Heritage
7	Bushfire Report	Abel Ecology Pty Ltd
8	Traffic and Parking Report	TEF Consulting
9	Preliminary Construction Traffic Management Plan	TEF Consulting
10	Arborist Report	Earthscape Horticultural Services
11	Stormwater and Fire Hydraulic Management Plan	Harris Page Hydraulic Engineers
12	Prescribed Ecological Actions Report	Abel Ecology Pty Ltd
13	BASIX Certificate	Umow Lai Pty Ltd
14	QS Report	WT Partnership

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared on behalf on the applicant by City Plan Strategy and Development Pty Ltd (City Plan) to accompany a development application (DA) to Northern Beaches Council (Council). The site comprises several allotments known as 346- 352 Whale Beach Road, Palm Beach (the site).

This SEE has been prepared pursuant to section 4.12 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act) and clause 50 of the *Environmental Planning and Assessment Regulation* 2000 (EP&A Regulation). The purpose of this SEE is to:

- Describe the proposed development and its context,
- Assess the proposal against the applicable planning controls and guidelines, and
- Assess the potential environmental impacts and mitigation measures.

This DA seeks approval for the demolition of the existing structures on-site and construction of a new dwelling house on 348- 352 Whale Beach Road. The proposal will entail:

- Demolition of the existing structures
- Construction of a two storey dwelling house and,
 - Basement parking at street level
 - Three other basement levels comprising store, plant and ancillary uses
 - Swimming pool, and
 - Rooftop terrace
- Associated excavation, tree removal and landscaping works.
- Consolidation of Lots 328, 329 and 330, otherwise known as No.348- 352 Whale Beach Road.
- Bushfire hazard reduction works on Lot 327 (346 Whale Beach Road) to the south of the development lots.



Figure 1: Extract of proposed photomontage from the Pacific Ocean, proposal outlined in yellow (Source: HSA)

The proposed dwelling house and carrying out of bushfire hazard reduction works for the purpose of creating an ancillary APZ is permissible with development consent in the E4 Environmental Living zone pursuant to the *Pittwater Local Environmental Plan 2014* (PLEP).

The proposal responds to the constraints of the site including bushfire, landslip, ecology, heritage and tree presence.

The development is an appropriate built form outcome, in particular:

- The building has been carefully designed to retain existing landscape features and minimise its impact on the natural topography and blend with natural surroundings.
- Involves a small variation to the height of buildings development standard of 10 metres in four parts of the roof due to the steeply sloping site.
- In comparison to the previously approved dwelling house in DA2019/0312, the proposal:
 - Reduces the extent of excavation proposed by 651m³.
 - Reduces the extent of the height variation with the 10m standard by 0.52m.
 - Comprises earthy materials which are sympathetic with the natural setting, creating a building which recedes into the bushland.
- The development provides a bushfire compliant building compared to the existing dwelling.
- The proposal provides on-site parking which is absent from the existing dwelling.

In conclusion, the development is compatible with the future character of the Palm Beach Locality and has no adverse amenity impacts. The proposal demonstrates design excellence and will deliver an exceptional built form outcome which complements its natural setting.

2. THE SITE

2.1. Site Details

The site is located at 346- 352 Whale Beach Road, Palm Beach. It is situated in the Northern Beaches local government area (LGA) and is 39km north of Sydney's central business district (Figure 2).

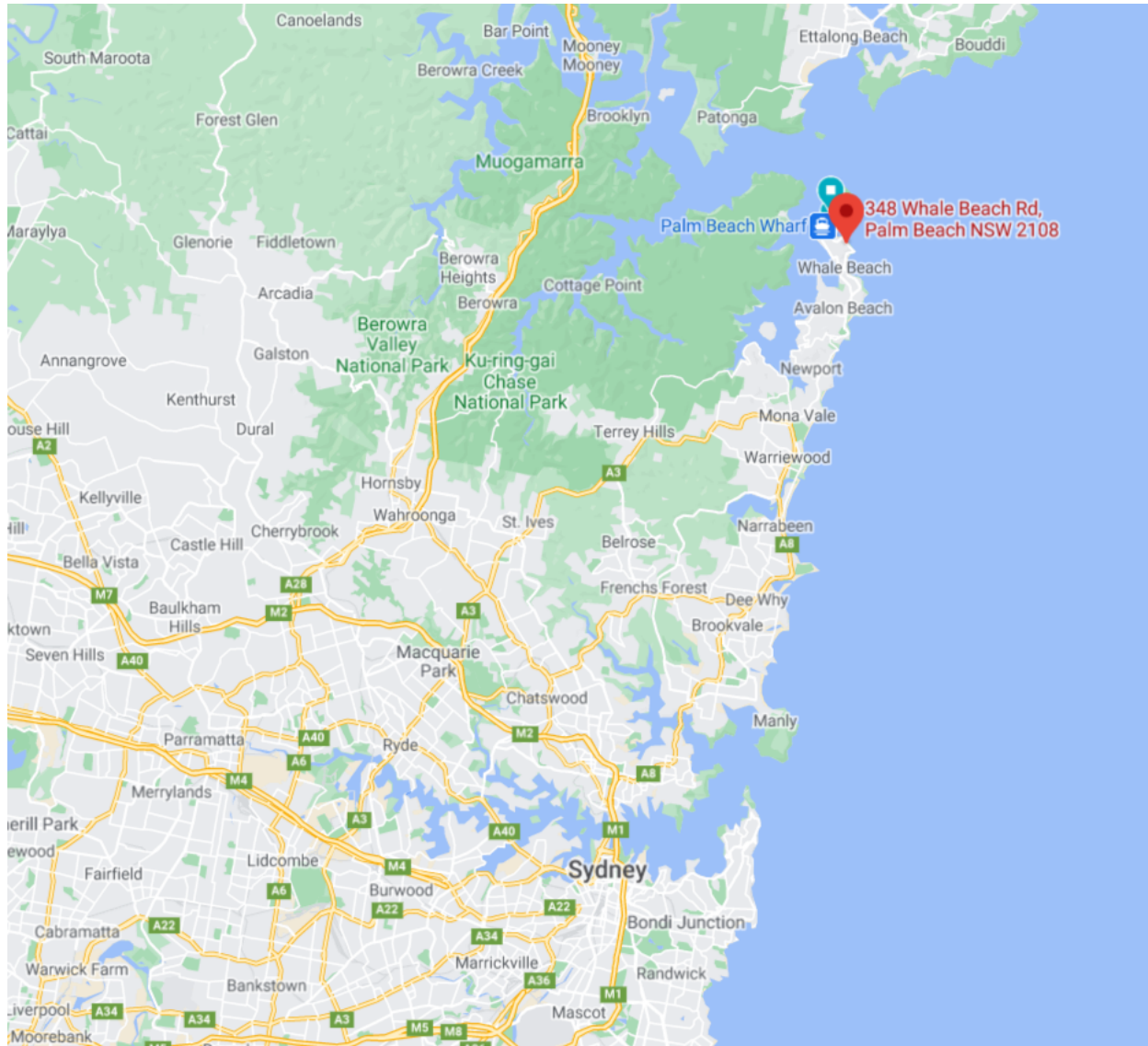


Figure 2: Locality map, site marked with a red marker (Source: Google Maps)

The site is located to the north of Little Head and south, of the southern Palm Beach headland. The site sits on the eastern aspect of the ridge overlooking the Pacific Ocean with a steep slope of approximately (40- 60°) down to Whale Beach Road. Beyond the site there is a further fall through the reserve to a rocky ocean shore. The site comprises four allotments as illustrated in the following figure. The proposed house occupies three of the allotments. Bushfire hazard reduction which is ancillary to the house is proposed on part of the fourth allotment.



Figure 3: Aerial photograph with the subject site outlined in red, with Lot 327 dashed in blue (Source: Near Maps)

The site is legally described as Lots 327- 330 in Deposited Plan (DP) 16362 and has an area of 2,269.6m². The site dimensions are as follows:

Table 1: Site dimensions

Boundary	Frontage	Dimension
North	356 Whale Beach Road	24.37
South	344 Whale Beach Road	29.45
East	Whale Beach Road	60.49
West	Annie Wyatt Reserve, 4 Rock Bath Road, 2 Rock Bath Road, 31 Pacific Road, 33 Pacific Road & 35 Pacific Road	87.78

2.2. Site and Locality Context

The northern peninsula of the Northern Beaches comprises a mix of residential development mostly in the form of large-scale dwelling houses sitting in the natural landscape escarpment. Bushland dominates the centreline of the peninsula and the west and east peripheries adjoin Pittwater waterway and the Pacific Ocean, respectively. The site is located within proximity of a number of local services including:

- Palm Beach, Palm Beach Beachfront Shops (including cafes and shops), Palm Beach Rockpool and Palm Beach Surf Club approximately 750m from the site
- Palm Beach Ferry Wharf, Pittwater Park and Shops approximately 1.2km from the site
- Palm Beach Golf Club and Governor Phillip Park approximately 1.4km from the site
- Avalon (including RSL Club, Post office, Library, Shops, etc) approximately 3.5km from the site
- Barrenjoey High School and Avalon Public School approximately 3.5km from the site;

- Annie Wyatt Reserve adjoining the rear boundary of 352 Whale Beach Rd
- Barrenjoey Lighthouse approximately 2.5kms from the site
- Newport Beach and shops approximately 5.7kms from the site, and
- Warringah Mall approximately 20kms from the site.

Refer to the below figure.

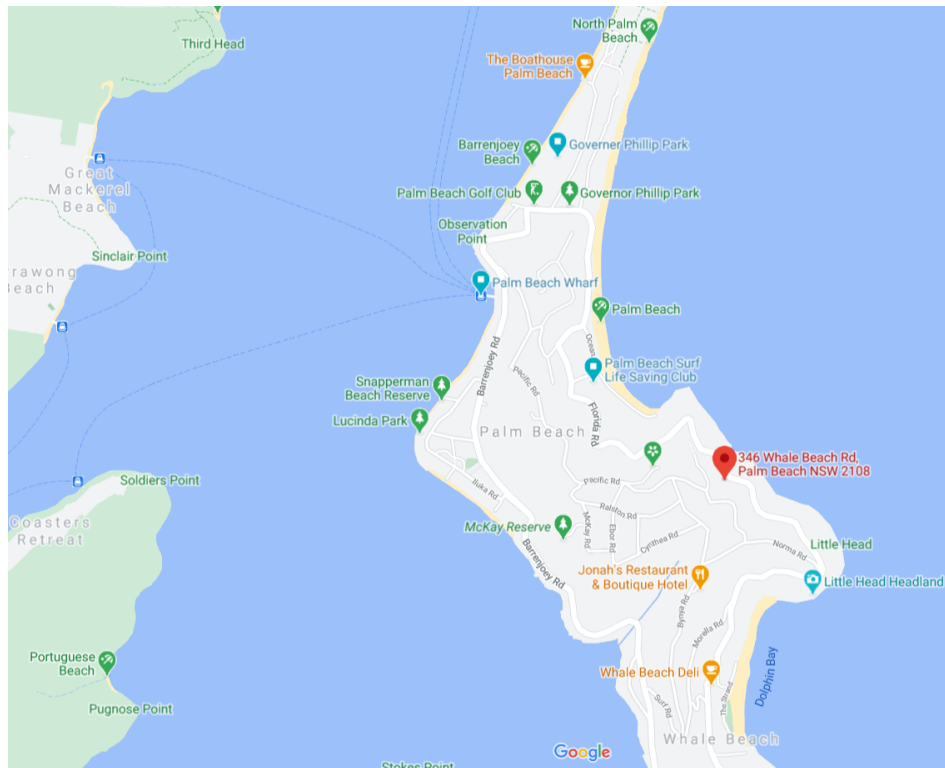


Figure 4: Immediate local context map, site marked with a red marker (Source: Google Maps)

Access to the site and locality is heavily car dependent. Though the locality is serviced by two bus routes, L90 and L99. The nearest bus stop to the site is situated on Barrenjoey Road, which is a four (4) minute drive or 26-minute walk.

The peninsula is accessed by two main roads being Whale Beach Road running parallel to the eastern coastline and Barrenjoey Road running parallel to the western coastline. The site is located on Whale Beach Road (Figure 5).

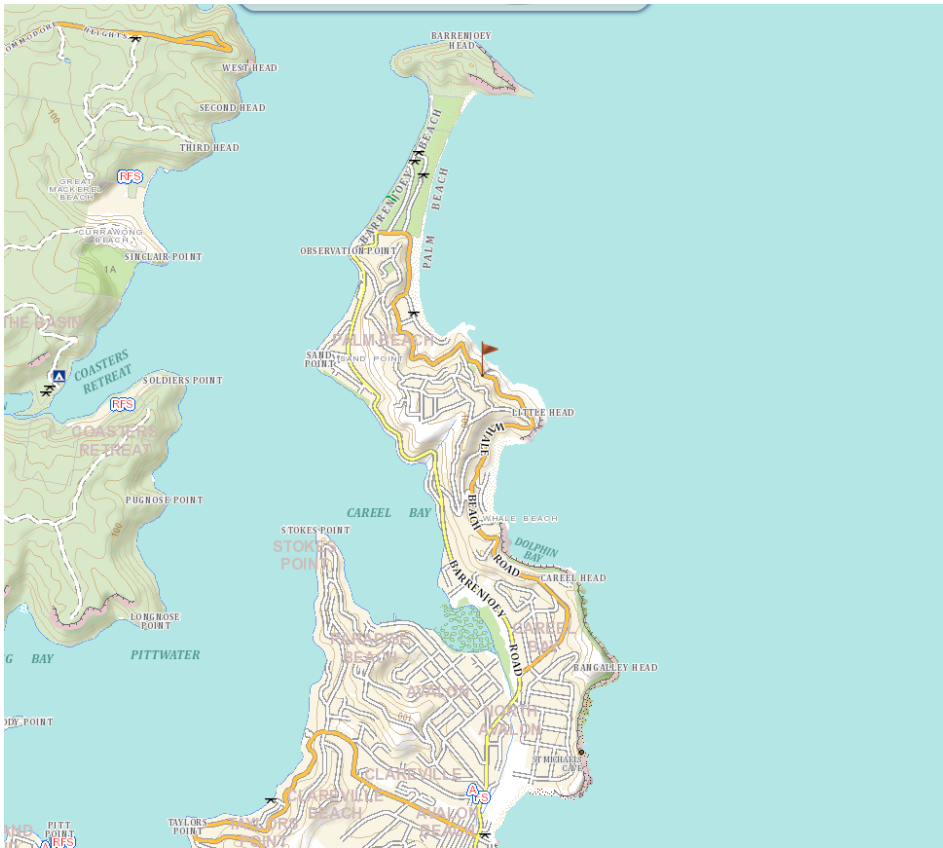


Figure 5: Map showing the road network for Avalon Beach, Whale Beach and Palm Beach, site marked with a red flag (Source: Six Maps)

The following figures illustrate surrounding dwellings nestled into the bushland/landscape setting in the immediate vicinity of the site.

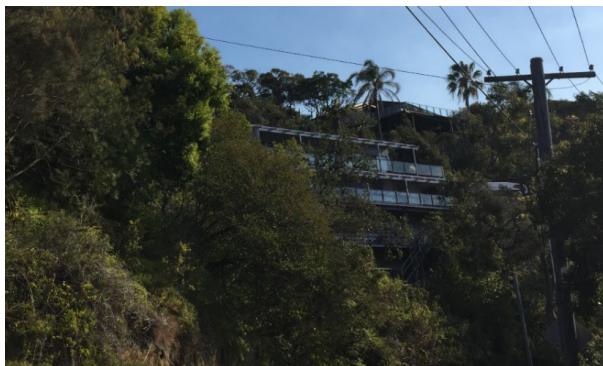


Figure 6: View of 360 Whale Beach Road looking north west on Whale Beach Road (Source: City Plan)



Figure 7: View of 356 Whale Beach Road looking south on Whale Beach Road (Source: City Plan)



Figure 8: View of 358 and 356 Whale Beach Road looking south on Whale Beach Road (Source: City Plan)



Figure 9: View of 354 Whale Beach Road looking west on Whale Beach Road (Source: City Plan)



Figure 10: View of 342 Whale Beach Road looking south on Whale Beach Road (Source: Tzannes)



Figure 11: View of 344 Whale Beach Road with pool in front set back looking south west on Whale Beach Road (Source: City Plan)

2.3. Site Characteristics

2.3.1. Existing Improvements

350 Whale Beach Road contains an existing dwelling with adjoining paved terraces and decks. Concrete paths are located on 348 and 352 Whale Beach Road.

The existing site improvements are shown in the below figure.

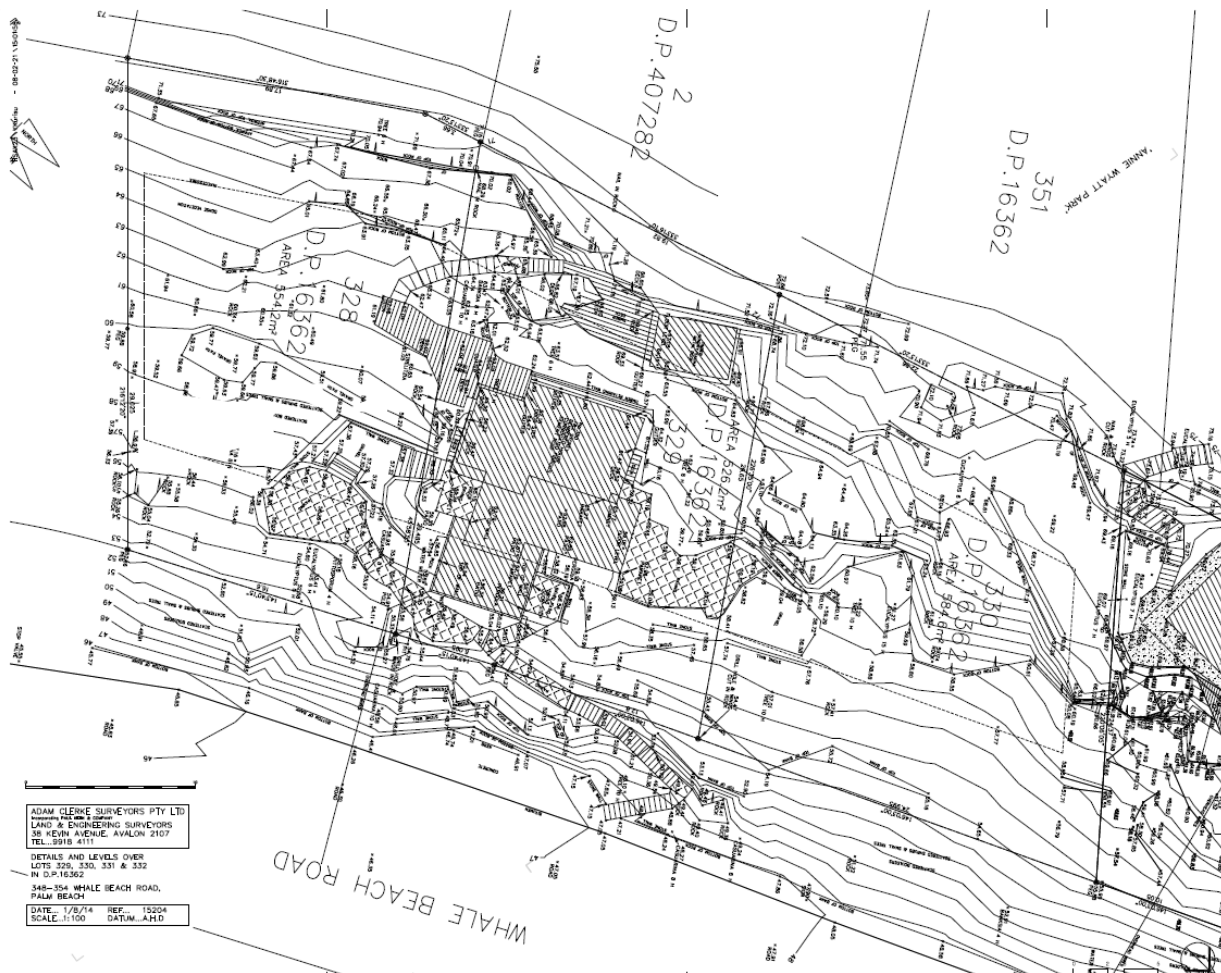


Figure 12: Extract of site survey showing the existing site improvements on Lot 328- 330 (Source: Adam Clerke Surveyors)

Due to the slope of the site, existing vehicle parking (one space) is provided on Whale Beach Road (Figure 15). Pedestrian access is provided via a staircase on Lot 329 DP16362 (350 Whale Beach Road).

The following figures illustrate the existing structures on-site including the existing access and parking arrangements.



Figure 13: View of the site (on the right of the image) looking south down Whale Beach Road (Source: City Plan)



Figure 14: View of the site (on the right of the image) looking south down Whale Beach Road, edge of the existing building shown in white (Source: City Plan)



Figure 15: View of the existing single vehicle car space on Whale Beach Road (Source: City Plan)



Figure 16: View of the existing pedestrian entrance to the site (Source: City Plan)



Figure 17: View of the site (located on the left) looking north on Whale Beach Road (Source: City Plan)



Figure 18: View of an existing terrace and dense vegetation separating the existing dwelling and no.354 (Source: City Plan)



Figure 19: View from the site, looking east (Source: City Plan)



Figure 20: View from the existing dwelling at no.354 (Source: City Plan)

2.3.2. Topography

The site experiences a steep fall from west to east from RL72.66 to RL52.66 (20m). This is shown on the survey plan in Appendix 4.

2.3.3. Trees and Vegetation

The site is densely vegetated with trees and shrubbery. Earthscape Horticultural Services have prepared an Arborist Report (Appendix 10). The following table outlines the trees on-site and directly adjoining properties including their species, condition, landscape significance, retention value and location.

Table 2: Existing trees

Tree	Species	Condition	Landscape Significance	Retention Value	Location
11a	Glochidion ferdinandi (Cheese Tree)	Stability suspect with poor branching structure. Exhibits a very prominent lean to the east. Multiple moderate bark inclusions at GL.	6	Very Low	Nature strip
11b	Glochidion ferdinandi (Cheese Tree)	Appears stable with poor branching structure. Exhibits multiple elite epicormic sprouts at 1.5 metres.	5	Low	Nature strip
12	Melaleuca styphelioides (Prickly Paperbark)	Appears stable with fair branching structure. Exhibits some dieback with 20% deadwood. Crown suppressed east side due sea breeze.	5	Low	Adjoining property
13	Pittosporum undulatum (Native Daphne)	Stability suspect with poor branching structure. Exhibits a very prominent lean to the west.	7	Very Low	Adjoining property
14	Macrozamia communis (Burrawang)	Appears stable with sound branching structure.	5	Moderate	Adjoining property

Tree	Species	Condition	Landscape Significance	Retention Value	Location
15	Pittosporum undulatum (Native Daphne)	Appears stable with fair branching structure. Exhibits a prominent lean to the east (self- corrected). Exhibits some dieback with 10% deadwood.	6	Very Low	Adjoining property
16	Cupressus macrocarpa 'Aurea' (Golden Monterey Cypress)	Stability suspect with poor branching structure. Exhibits multiple large wounds due previous branch loss (included bark). Substantial dieback in upper crown with 60% deadwood.	6	Very Low	On-site
17	Eucalyptus umbra (Bastard Mahogany)	Appears stable with sound branching structure. Crown suppressed west side due crowding. Severe dieback with 90% deadwood.	4	Low	Adjoining property
18	Eucalyptus umbra (Bastard Mahogany)	Appears stable with sound branching structure. Exhibits a very prominent lean to the south. Crown suppressed east side due crowding. Substantial dieback with 80% deadwood & 5% epicormic growth.	4	Low	Adjoining property
19	Podocarpus elatus (Brown Pine)	Appears stable with sound branching structure. Crown suppressed north-east side due salt laden winds. Minor dieback with 5% deadwood.	5	Moderate	Adjoining property
19a	Ficus rubiginosa (Port Jackson Fig)	Appears stable with sound branching structure.	5	Moderate	Adjoining property
20	Eucalyptus umbra (Bastard Mahogany)	Stability suspect with sound branching structure. Exhibits a prominent lean to the south-west. Crown suppressed north-east side due salt laden winds. Growing on rock outcrop - roots absent east side. Exhibits some dieback with 30% deadwood.	5	Low	Adjoining property
20a	Eucalyptus umbra (Bastard Mahogany)	Appears stable with sound branching structure. Exhibits some dieback with 40% deadwood and 10% epicormic growth.	4	Moderate	Adjoining property
21	Banksia serrata (Old Man Banksia)	Appears stable with sound branching structure. Exhibits a prominent lean to the north-east. Crown suppressed on the south-	4	Low	Nature strip

Tree	Species	Condition	Landscape Significance	Retention Value	Location
		west side. Exhibits some dieback with 10% deadwood.			
21a	Cotoneaster sp. (Cotoneaster)	Appears stable with sound branching structure.	6	Very Low	On-site
22	Allocasuarina littoralis (Black She-oak)	Appears stable with sound branching structure. Exhibits some dieback with 20% deadwood.	4	Moderate	Nature strip
23	Allocasuarina littoralis (Black She-oak)	Stability suspect with sound branching structure. Exhibits a prominent lean to the east. Located on a narrow sandstone terrace.	7	Very Low	Nature strip
24	Cupressus macrocarpa 'Brunniana Aurea' (Golden Brunnings Cypress)	Appears stable with fair branching structure. Exhibits multiple moderate bark inclusions at 0.5 metres. 5% deadwood.	6	Low	Nature strip
24a	Cotoneaster sp. (Cotoneaster)	Stability suspect with sound branching structure. Located on edge of sandstone cliff.	6	Very Low	Nature strip
25	Syncarpia glomulifera (Turpentine)	Appears stable with sound branching structure.	3	High	On-site
26	Syncarpia glomulifera (Turpentine)	Appears stable with sound branching structure. Main leader suppressed/distorted due conflict with T27.	4	Moderate	On-site
27	Eucalyptus saligna (Sydney Blue Gum)	Appears stable with sound branching structure. Growing in rock cleft. Multiple large woody surface roots visible for 4 metres radius. Roots absent NE side due to rock. Minor dieback in upper crown due to salt laden winds.	3	High	On-site
28	Eucalyptus umbra (Bastard Mahogany)	Appears stable with sound branching structure. Prominent lean to the NW. Crown suppressed on the east due to salt laden winds. Exhibits substantial dieback with	4	Low	On-site

Tree	Species	Condition	Landscape Significance	Retention Value	Location
		50% deadwood and 10% epicormic growth.			
29	Agonis flexuosa (WA Willow Myrtle)	Appears stable with poor branching structure. Exhibits a prominent lean to the east over house. Crown suppressed on the south-west side. Severe bark inclusion at 3.5 metres at junction of co- dominant PLs.	4	Low	On-site
29a	Acacia floribunda (Sally Wattle)	Appears stable with sound branching structure. Exhibits some dieback with 20% deadwood.	5	Low	On-site
29b	Acacia floribunda (Sally Wattle)	Stability suspect with sound branching structure. Exhibits some dieback with 20% deadwood. Very prominent lean to the SE Crown suppress on the NW side due overshadowing.	5	Low	On-site
30	Casuarina cunninghamiana (River Oak)	Appears stable with sound branching structure. Growing on a narrow sandstone terrace. Exhibits moderate dieback with 30% deadwood (salt laden winds).	3	Moderate	Nature strip
31	Eucalyptus scias (Large-fruited Red Mahogany)	Appears stable with sound branching structure. Exhibits a prominent lean to the north-west. Some dieback on south-east side due salt laden winds with 10% deadwood.	3	High	On-site
31a	Eucalyptus umbra (Bastard Mahogany)	Appears stable with sound branching structure. Exhibits a prominent lean to the east. Crown suppressed on west side due to crowding. Exhibits some dieback with 15% deadwood.	4	Moderate	On-site
32	Pittosporum undulatum (Native Daphne)	Appears stable with sound branching structure. Exhibits moderate dieback with 30% deadwood.	6	Very Low	On-site
33	Casuarina cunninghamiana (River Oak)	Appears stable with fair branching structure. Exhibits some dieback with 15% deadwood.	3	Moderate	On-site

Tree	Species	Condition	Landscape Significance	Retention Value	Location
34	Casuarina cunninghamiana (River Oak)	Appears stable with sound branching structure. Exhibits substantial dieback with 50% deadwood (salt laden winds).	4	Low	On-site
34a	Ficus rubiginosa (Port Jackson Fig)	Appears stable with sound branching structure.	5	Moderate	On-site
34b	Glochidion ferdinandi (Cheese Tree)	Appears stable with sound branching structure.	5	Moderate	On-site
34c	Banksia integrifolia (Coast Banksia)	Appears stable with sound branching structure. Exhibits a prominent lean to the east (self-corrected).	5	Moderate	On-site
35	Strelitzia nicolai (Giant White Bird of Paradise)	Appears stable with sound branching structure.	5	Moderate	On-site
36	Glochidion ferdinandi (Cheese Tree)	Appears stable with fair branching structure. Exhibits a prominent lean to the south-east (self-corrected). High bark inclusion at 2.5 metres. Growing within deck, close to existing dwelling.	6	Low	On-site
37	Pittosporum undulatum (Native Daphne)	Appears stable with sound branching structure.	6	Very Low	On-site
38	Allocasuarina torulosa (Forest Oak)	Appears stable with sound branching structure. Exhibits some dieback with 10% deadwood.	4	Moderate	On-site
39	Banksia integrifolia (Coast Banksia)	Stability suspect with poor branching structure. Exhibits a very prominent lean to the west. Crown suppressed on the east side due to overshadowing.	7	Very Low	On-site
40	Glochidion ferdinandi (Cheese Tree)	Appears stable with poor branching structure. Exhibits multiple high bark inclusions at 0.5 metres. Prominent lean to the east. Crown suppressed on the west side due to overshadowing. 10% deadwood.	5	Low	On-site

Tree	Species	Condition	Landscape Significance	Retention Value	Location
43	Banksia serrata (Old Man Banksia)	Appears stable with sound branching structure. Crown suppressed on west side due to overshadowing.	5	Moderate	On-site
58a	Pittosporum undulatum (Native Daphne)	Appears stable with sound branching structure.	6	Low	Nature strip
59	Cyathea cooperi (Rough Tree Fern)	Appears stable with sound branching structure.	5	Low	Nature strip
60	Glochidion ferdinandi (Cheese Tree)	Appears stable with sound branching structure.	5	Moderate	Nature strip
61	Acacia sp. (Wattle)	Appears stable with sound branching structure.	5	Moderate	Nature strip
62	Banksia serrata (Old Man Banksia)	Stability suspect with sound branching structure. Exhibits a very prominent lean to the east. Crown suppressed on the west side due to overshadowing. Some dieback with 10% deadwood.	4	Low	Nature strip

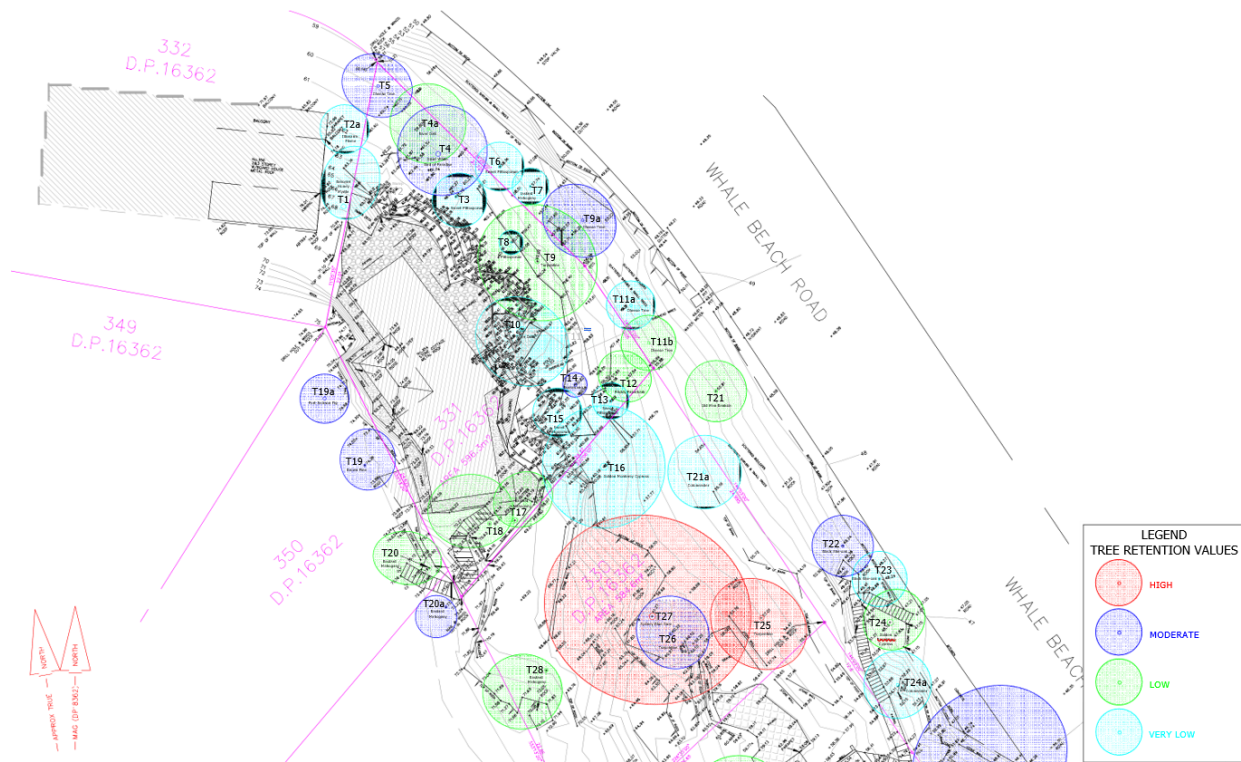


Figure 21: Extract of tree location plan (1) (Source: Earthscape Horticultural Services)

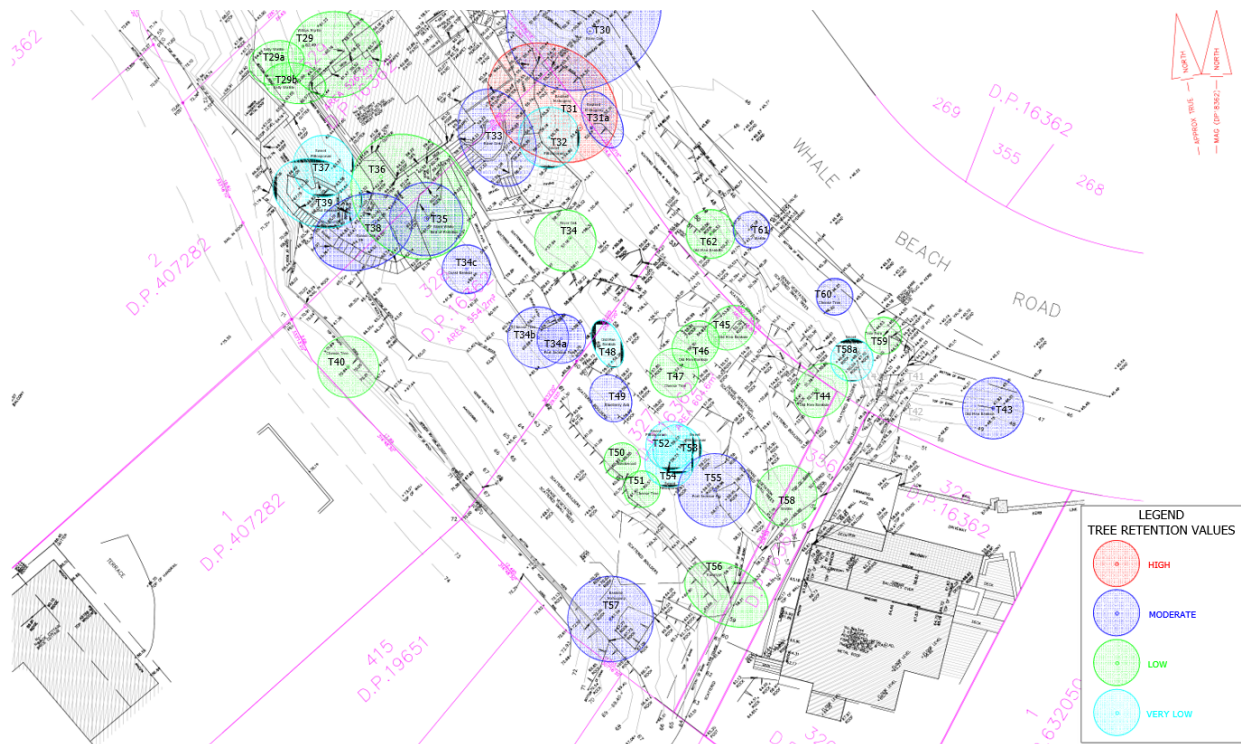


Figure 22: Extract of tree location plan (2) (Source: Earthscape Horticultural Services)

2.3.4. Flora and Fauna

The Prescribed Ecological Actions Report (Appendix 12) prepared by Abel Ecology notes the following flora and fauna characteristics of the site:

The original plant community on site was most likely 'Coastal Enriched Sandstone Dry Forest'. This community occur in the wider area and is not listed as a threatened ecological community. The vegetation has been degraded by loss of larger trees, disturbance accrued by construction and occupation, replacement with exotic gardens and weed invasion.

No threatened flora has previously been recorded on site and none detected on the site visit. None of the threatened terrestrial fauna species known from the wider locality have any specific requirements that could currently be provided by the site for breeding or other life cycle needs.

The threatened species Grey-headed Flying-Fox was detected on the site visit. There is also evidence for two threatened microbat species visiting the site, the Little Bentwing-bat and the Eastern Bentwingbat. It is also likely that the Powerful Owl forages on site. These species are highly mobile and forage/hunt over wide areas of land. None of them appear to be roosting or nesting on-site.

2.3.5. Soil

Abel Ecology detail in Appendix 12:

- The soil landscapes on site are mapped as GyMEA adjoining Watagan,
- GyMEA soil landscapes are typified by slopes of 10- 25%, rock outcrops and shallow to moderately deep red to yellow podsols of Hawkesbury sandstone sediment,
- Watagan soil landscapes are typified by slopes of more than 25%, occasional sandstone boulders and benches, and moderately deep red to yellow podsols of Narrabeen sediment, and
- Both landscapes are typified by imperfectly drained, non-cohesive soils posing rockfall and sheet erosion hazards with high run-off.



Figure 7. Soil Landscape map pertaining to the site and area.

Key
★ Site location
9130gy = GyMEA
9130wn = Watagan
9130ha = Hawkesbury
9130tg = Tuggerah
9130na = Narrabeen
9130ww = Way Way

Figure 23: Extract of soil characteristics of the locality (Source: Abel Ecology)

2.3.6. Bushfire

The eastern portion of the site is mapped as bushfire prone land, being within the 30m buffer zone (Figure 24).

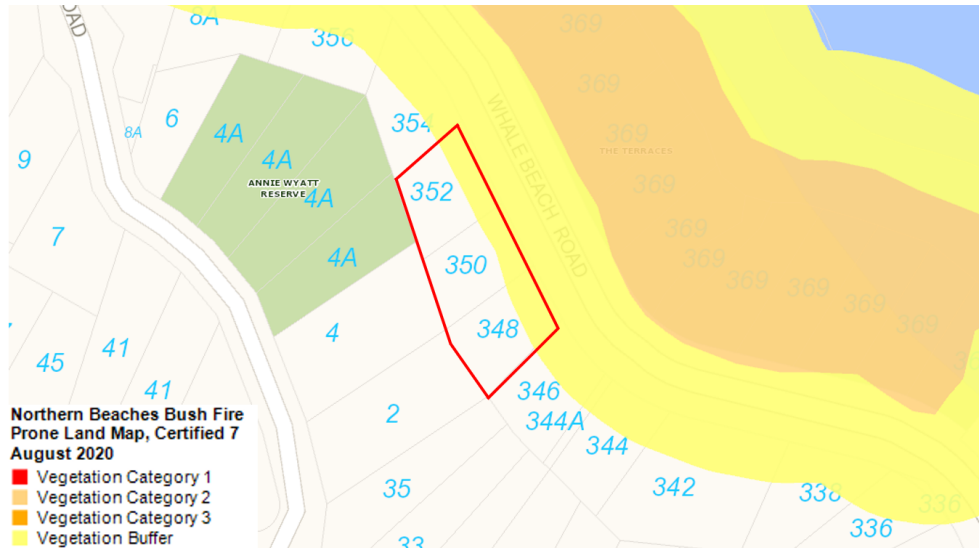


Figure 24: Extract of the bushfire prone land map, site outlined in red (Source: Northern Beaches Council)

Abel Ecology (Appendix 7) observe that the vegetation posing the dominant bushfire threat to the site is the Littoral Rainforest on the eastern aspect. The vegetation on residential properties adjacent to the east boundary is unmanaged and is reflective of a transition between Tall Heath (25t/Ha) (the bulk of unmanaged vegetation to the east) and a small patch of Rainforest (8/10t/Ha) on the east edge of Whale Beach Road. The small patch of Rainforest is approximately 10m wide at the north end (Lot 273 DP16362), and 25m wide at the south end (Lot 276, DP16362).

2.3.7. Heritage

The site is not a heritage item or a heritage conservation area. The site is located to the south of a local heritage item 'Cox House' at 356 Whale Beach Road, see below figure.

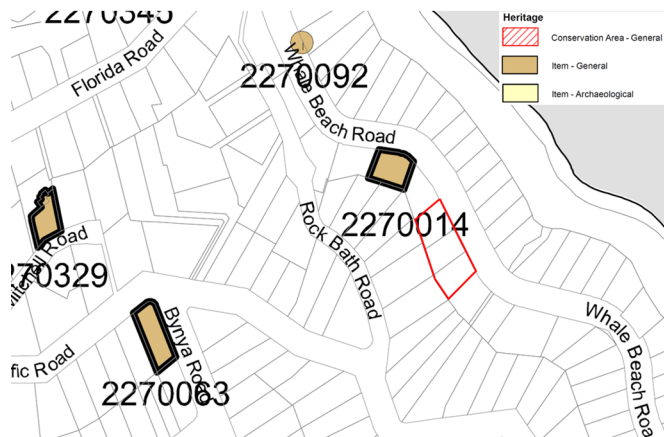


Figure 25: Extract of PLEP heritage map, site outlined in red to the south of Cox House (Source: NSW Legislation)

2.3.8. Geotechnical

JK Geotechnics have prepared a Geotechnical Report in Appendix 5. The site is underlain by rocks of the Hawkesbury Sandstone and the Narrabeen Group. Hawkesbury Sandstone comprises quartz sandstone interbedded with siltstone and shale. The Narrabeen Group comprises lithic and quartz sandstone, siltstones, claystones and conglomerate. The geological boundary between the overlying Hawkesbury Sandstone and underlying Narrabeen Group appears to run through the site. The investigation revealed relatively shallow soil cover overlying sandstone bedrock.

JK Geotechnics note:

Pavement: At BH1 a 0.1m thick sandstone paver was encountered and overlay a silty sand bedding later that extended to a depth of 0.2m.

Fill: Below the pavement a silty gravelly or clayey sand fill was encountered to a depth of 0.7m. This fill contained traces of igneous/sandstone gravel and was assessed to be poorly compacted.

Natural Soils: Underlying the fill a mix of sands, clayey sands and sandy clays were encountered that were of stiff to very stiff strength or medium sense relative density. Where the soils were clayey they were assessed to be of medium to high plasticity.

Sandstone Bedrock: Sandstone bedrock outcrops across the site and was inferred from the DCP tests at depths ranging from 0.2m to 1.8m. The sandstone bedrock encountered in BH1 at a depth of 1.8m is part of the Narrabeen Group and was initially of poor quality to a depth of 5.3m, at which depth of quality of the bedrock was improved markedly. Below a depth of 5.3m the bedrock increased to medium to high strength and contained only a few thin core loss zones. The siltstone band and claystone lenses were encountered below a depth of about 8m.

Groundwater: Groundwater was not encountered during or on completion of auger drilling. Based on the location of the site in the topography and the depth of excavation it should be anticipated that seepage will occur but such flows as there are would probably emanate naturally a little further downslope and so the excavation is not considered to interfere significantly with the natural groundwater regime.

2.4. Planning History of the Site

The site is subject of a recent approval, DA2019/0231. The DA sought approval for the demolition of the existing on-site structures and construction of a three storey dwelling house, basement parking, swimming pool, landscaping and excavation on the four allotments, being 346- 352 Whale Beach Road. The application was approved by the Northern Beaches Local Planning Panel on 12 June 2019. The development consent has not been activated, with works never commencing on-site.

3. DESCRIPTION OF DEVELOPMENT

3.1. Proposed Development

This DA proposes demolition of the existing structures on-site and construction of a new dwelling house on 348- 352 Whale Beach Road. The proposal will entail:

- Demolition of the existing structures
- Construction of a two storey dwelling house and,
 - Basement parking at street level
 - Three other basement levels comprising store, plant and ancillary uses
 - Swimming pool, and
 - Rooftop terrace
- Associated excavation, tree removal and landscaping works.
- Consolidation of Lots 328, 329 and 330, otherwise known as No.348- 352 Whale Beach Road.

The DA also involves bushfire hazard reduction works on Lot 327 (346 Whale Beach Road) to the south of the development lots. An APZ is proposed over part of Lot 327.

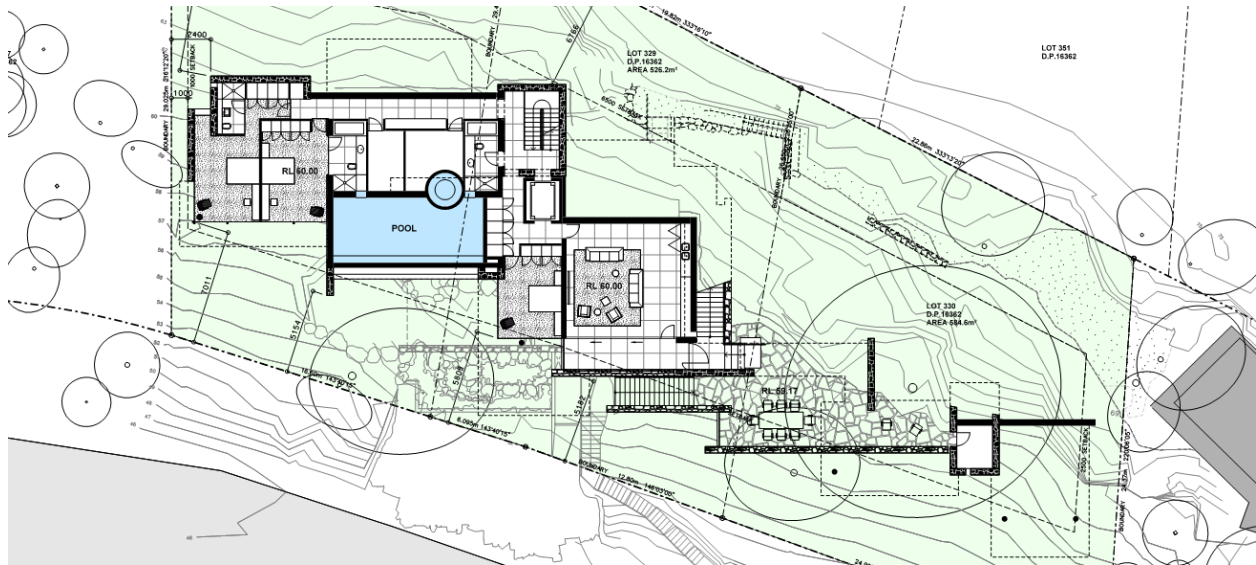


Figure 26: Extract of the level 1 site plan (Source: HSA)

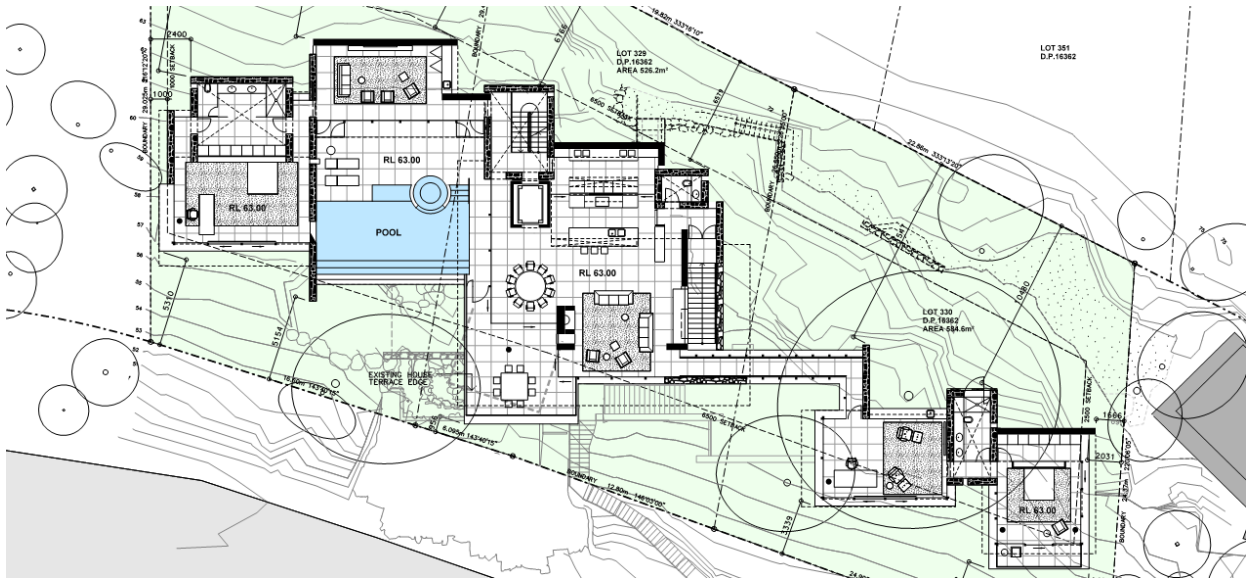


Figure 27: Extract of level 1 site plan (Source: HSA)

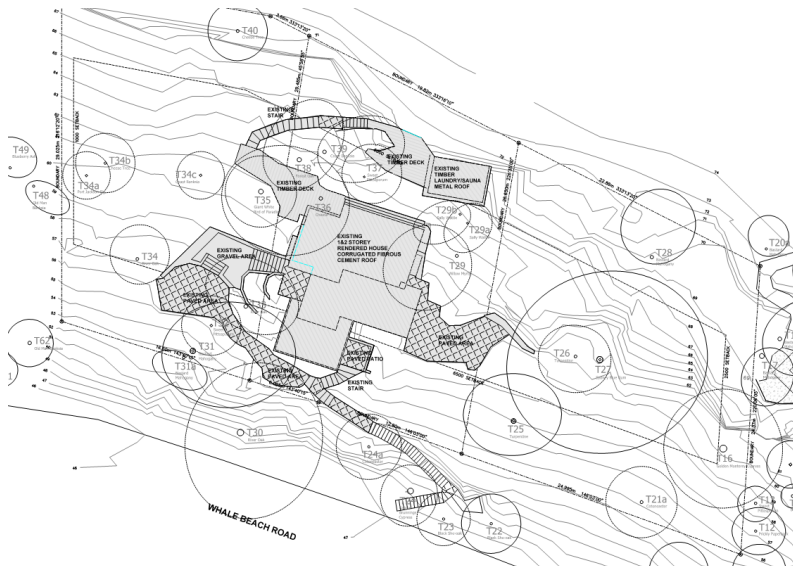


Figure 28: Extract of the proposed photomontage as viewed from the Pacific Ocean, proposal outlined in orange (Source: HSA)

The development statistics are as follows.

	Control	Proposed
Site area	-	1,665m².
Height of buildings	10 metres refer to Section 4.6.3 of this SEE.	Maximum proposed height 11.53 metres. Refer to the clause 4.6 request in Appendix 1.
Parking	Minimum 2 spaces	Four spaces within the at-grade basement

The proposal involves the demolition of all existing on-site structures including the dwelling house, paving and access stairs. Refer to the below demolition plan.



3.4. Lot Consolidation

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Figure 30: Proposed consolidation shown in yellow (Source: Near Maps, annotated by City Plan)

3.5. Tree Removal

The proposed development requires the removal of trees on-site as detailed in the below table and Appendix 10. DA2019/0231 was approved with the removal of 30 trees.

Table 4: Tree removal

Tree No.	Species	Retention Value	Landscape Significance	Comment
16	Cupressus macrocarpa 'Aurea'	Very low	6	Not viable to be retained due to encroachment of the proposed development.
21a	Cotoneaster sp.	Very Low	6	
23	Allocasuarina littoralis	Very low	7	
24a	Cotoneaster sp.	Very low	6	
25	Syncarpia glomulifera	High	3	No feasible options recommended that would permit the tree to be retained. Undertake replacement planting with a new tree.
26	Syncarpia glomulifera	Moderate	4	
27	Eucalyptus saligna	High	3	
29	Agonis flexuosa	Low	4	Not viable to be retained due to

Tree No.	Species	Retention Value	Landscape Significance	Comment
29a	Acacia floribunda	Low	5	encroachment of the proposed development.
29b	Acacia floribunda	Low	5	
30	Casuarina cunninghamiana	Moderate	3	No feasible options recommended that would permit the tree to be retained. Undertake replacement planting with a new tree.
31	Eucalyptus scias	High	3	
31a	Eucalyptus umbra	Moderate	4	
32	Pittosporum undulatum	Very low	6	Not viable to be retained due to encroachment of the proposed development.
33	Casuarina cunninghamiana	Moderate	3	No feasible options recommended that would permit the tree to be retained. Undertake replacement planting with a new tree.
34	Casuarina cunninghamiana	Low	4	
34a	Ficus rubiginosa	Moderate	5	
34b	Glochidion ferdinandi	Moderate	5	
34c	Banksia integrifolia	Moderate	5	
35	Strelitzia nicolai	Moderate	5	
36	Glochidion ferdinandi	Low	6	Not viable to be retained due to encroachment of the proposed development.
37	Pittosporum undulatum	Very low	6	
38	Allocasuarina torulosa	Moderate	4	No feasible options recommended that would permit the tree to be retained. Undertake replacement planting with a new tree.
39	Banksia integrifolia	Very low	7	Not viable to be retained due to encroachment of the proposed development.

Tree No.	Species	Retention Value	Landscape Significance	Comment
46	Banksia serrata (Old Man Banksia)	Low	6	Proposed to be removed for asset protection purposes.
48	Banksia serrata (Old Man Banksia)	Very low	6	
52	Pittosporum undulatum (Native Daphne)	Very low	6	
53	Pittosporum undulatum (Native Daphne)	Very low	6	
54	Pittosporum undulatum (Native Daphne)	Very low	6	

Refer to the arborist report in Appendix 10 for further detail.

3.6. Landscaping

Dangar Barin Smith have prepared a Landscape Plan in Appendix 3. The plan responds to the Sandstone Crest and Coastal Heath Zone of the site. Key features of the proposed Landscape Plan include:

- Massed textured grasses with feature palms set around exposed rock formations,
- Textured planting combinations rolling up slope framing landscape stairs,
- Grey foliage trees along gravel paths,
- Sandstone blocks stairs and paving with minimalist tubular handrail working in with the existing rock formations,
- Flowing spillover vegetation with architectural species and boulders used to create soil pockets, and
- Rolled lawns abutting stone feature.

Refer to Appendix 3 for detail.

3.7. Asset Protection Zone

Part of Lot 327 must be managed as an APZ according to the Bushfire Assessment Report prepared by Abel Ecology dated 3 March 2021 (Appendix 7). The extent of the APZ is shown in the following figure.

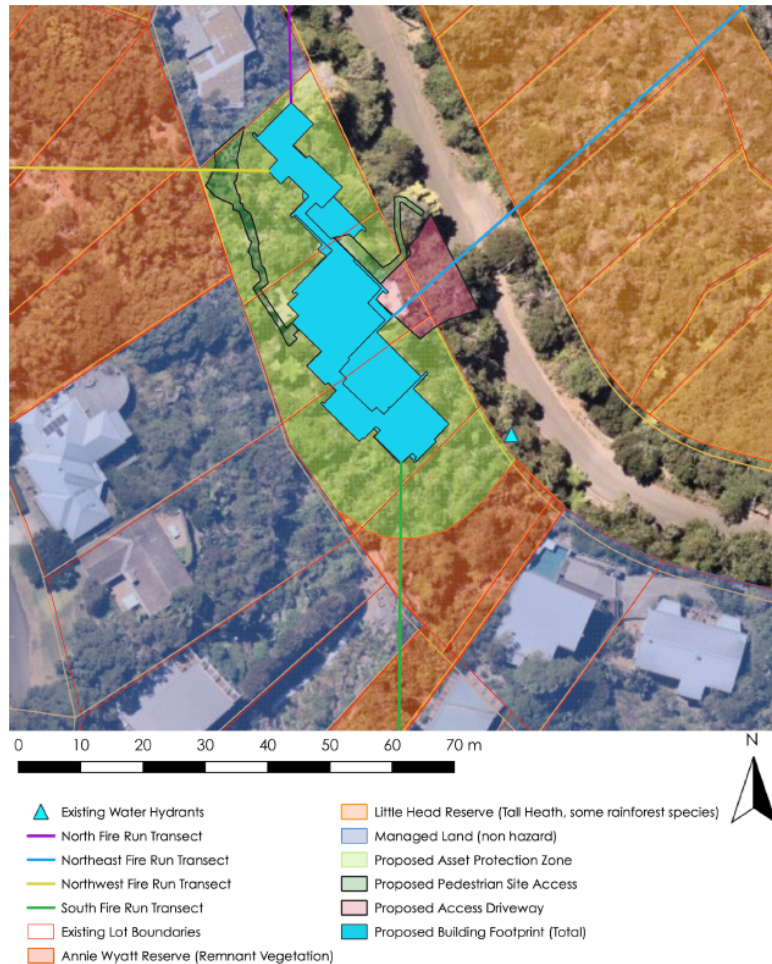


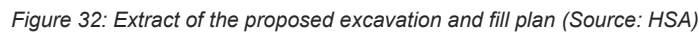
Figure 31: APZ map (Source: Abel Ecology)

Bushfire hazard reduction works will be required on Lot 327 to create the APZ. It will then need to be managed in accordance with a vegetation management plan (Appendix 7). An easement will be created over Lot 327 to ensure the ongoing maintenance of the APZ.

As discussed in Section 3.4 of this SEE, Lot 327 is not proposed to be consolidated with Lot 328- 330.

3.8. Excavation

The proposed development will involve approximately 3,104m³ of excavation to accommodate the new dwelling house and basement. This is less than the previous excavation volume of 3,755m³ in DA2019/0231 approved by the NBLLP on 12 June 2019. HSA have prepared an excavation and fill plan in Appendix 2 and is extracted below. It is to be noted the exact footprint of excavation will be confirmed by the contractor.



3.9. Stormwater

- Collection of rainwater in various stormwater pits,
- Direction of water through proposed pipes,
- Collection of water in the proposed on-site detention and filtration chamber and,
- Distribution to water to the proposed stormwater disbursement trench on the eastern boundary of 328 Whale Beach Road

The stormwater management plan considers the proposed increased in impervious area from 210m² to 642m² (423m² increase).

Given the fall of the site to Whale Beach Road, Harris Page and Associates have prepared a sediment and erosion control plan. As shown in Figure 33, the strategy involves the provision of six hay bales on the eastern boundary on-site and rumble grid off-site.



Figure 33: Proposed sediment and erosion control plan (Source: Harris Page and Associates)

3.11. Access

External Access

The proposal maintains the existing external sandstone staircase from Whale Beach Road to the eastern boundary. The development involves alterations to the existing access path to provide a more direct route via a staircase. This staircase connects to the level 1 terrace at the north of the site. Access to level 1 is provided via the family and TV room, or access to level 2 is provided by the external stairs parallel to the north boundary line. Refer to the below figures.

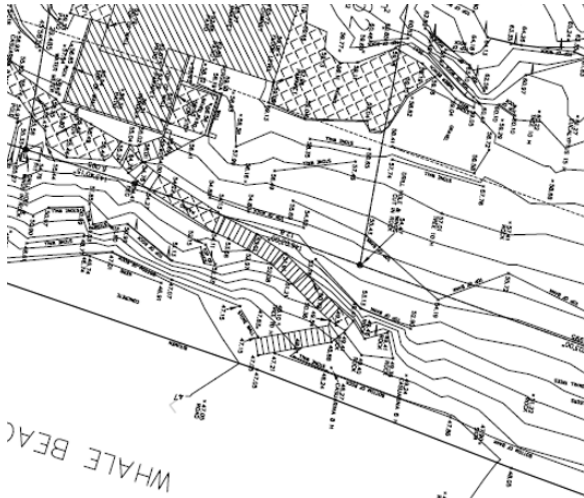


Figure 34: Existing pedestrian access from Whale Beach Road (Source: HSA)

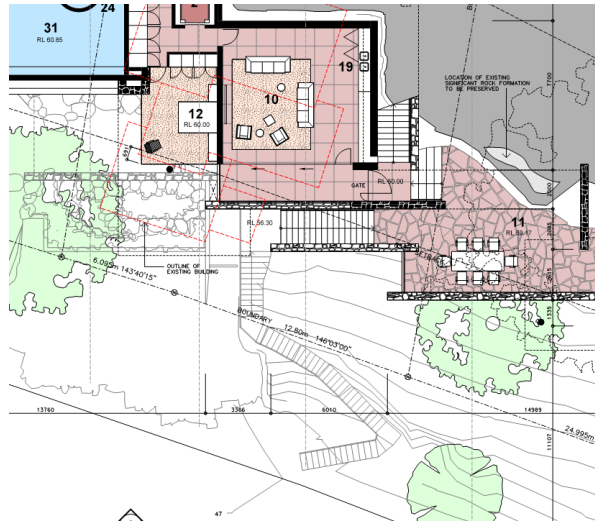


Figure 35: Proposed pedestrian access from Whale Beach Road (Source: HSA)

Internal Access

The proposal provides internal access via the proposed lift which stops at each floor of the development including the accessible basement levels. Stairs wrap the lift and provide vertical access to the habitable areas of the development.

3.12. Parking

The proposed development provides four on-site car parking spaces within the basement. Two vehicles are double parked behind one another. Vehicular access to the basement is provided via a proposed driveway connecting to Whale Beach Road, as illustrated below.



Figure 36: Proposed basement parking (Source: HSA)

3.13. Materiality and Façade

The dwelling house is proposed with the following materials shown in Figure 37.

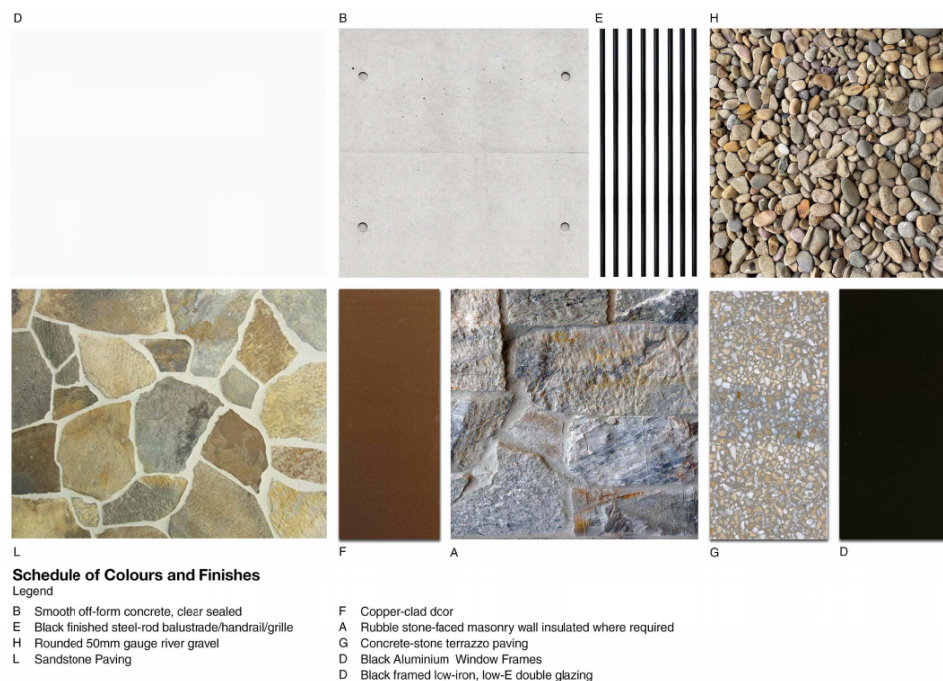


Figure 37: Extract of finishes schedule (Source: HSA)

HSA have annotated the proposed finishes (corresponding to the above letters) on the elevations in Appendix 2.

3.14. Estimated Cost of Works

The proposed works have an estimated cost of works of \$13,962, 919 including GST. Refer to the attached cost report prepared by WT Partnerships.

3.15. Development Plans and Supporting Documentation

This SEE is to be read in conjunction with the following supporting documentation.

Table 5: Supporting documentation

Document	Prepared by
Clause 4.6 Request - Height of Buildings	City Plan
Architectural Plans	Harry Seidler Architects
Landscape Plans	Danger Barin Smith and Abel Ecology
Survey Plan	Adam Clerke Surveyors Pty Ltd
Geotechnical Report	JK Geotechnics

Document	Prepared by
Heritage Report	City Plan Heritage
Bushfire Report	Abel Ecology Pty Ltd
Traffic and Parking Report	TEF Consulting
Preliminary Construction Traffic Management Plan	TEF Consulting
Arborist Report	Earthscape Horticultural Services
Stormwater Management Plan	Harris Page Hydraulic Engineers
Prescribed Ecological Actions Report	Abel Ecology Pty Ltd
BASIX Certificate	Umow Lai Pty Ltd
QS Report	WT Partnership

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- EP&A Act
- EP&A Regulation
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Coastal Management) 2018, and
- PLEP.

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 1.3 – Objects

The EP&A Act is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objects of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The social and economic welfare of the community is promoted through the provision of new housing which is compatible with the scale and type of development in the locality.
- ESD is an integral component of the development, whereby the proposal seeks to minimise energy consumption.
- The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to enable the proposal.
- The proposal does not involve the provision of affordable housing.
- The site is located within an established area. The State's natural resources will not be adversely affected by the proposal.
- The proposed development has been assessed as having an acceptable environmental, economic and social impact as detailed in section 6 of this SEE and the accompanying consultant reports and plans. Subsequently, the proposal will not impact on the enjoyment of future generation.
- The proposal will not impact built or cultural heritage, as confirmed in the Heritage Report in Appendix 6.
- The site does not pose any risk to human health, or none that cannot be remediated.
- The community will be provided with an opportunity to comment on the DA during the assessment process and facilitated by Council through notification.

4.2.2. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the EP&A Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the table below.

Table 6: Section 4.15 of EP&A Act 1979.

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 4.6.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Not relevant to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Not applicable.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

4.2.3. Section 4.46 – Integrated Development

This section of the EP&A Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting

consent Council must obtain from each relevant approval body their General Terms of Approval in relation to the development. The proposal does not constitute integrated development.

4.3. Environmental Planning and Assessment Regulation 2000

4.3.1. Clause 50 – How must a development application be made

4.3.2. Clause 92 – Demolition

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider *AS 2601 - 1991: The Demolition of Structures*.

4.3.3. Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work *"must be carried out in accordance with the requirements of the Building Code of Australia"*.

4.4. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation,
2. Carrying out development on land included in the Biodiversity Values Land Map, or
3. Having a 'significant effect' on threatened species or ecological communities.

Abel Ecology assessed whether the impacts of the proposal will trigger any of the above thresholds for entry into the Biodiversity Offset Scheme, therefore requiring a Biodiversity Development Assessment Report (BDAR). The assessment addressed both 'endangered' and 'vulnerable' communities as required by the BC Act. The report concluded that none of the thresholds are triggered. Therefore a BDAR is not required.

4.5. State Environmental Planning Policies

4.5.1. State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standard, ensures land is investigated if contamination is suspected, and requires Councils to be notified of all remediation proposals. The Managing Land Contamination: Planning Guidelines were prepared to assist Councils and developers to determine when land has been at risk.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use. The proposed works do not involve any change to the use of the land that would result in any concerns with respect to contamination. The site has a long history as residential use. There is no indication of previous use or landfilling that would cause contamination. In this regard there is no indication that the land is contaminated.

4.5.2. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX Certificate accompanies this application in Appendix 13 and confirms the targets for water and thermal energy are achieved.

4.5.3. State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 applies to the site. The site is identified within a coastal environment area and coastal use area. Clause 13 and 14 of the SEPP provide controls relating to these areas. Clause 15 and 16 contain general provisions. The proposal is consistent with the relevant provisions as detailed in the below table.

Table 7: Response to the relevant provisions of the Coastal Management SEPP

Relevant Considerations	Provisions
<p>13 Development on land within the coastal environment area</p> <p>(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—</p> <p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(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,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p>	<p>The proposed development does not cause adverse impacts on the coastal environment as discussed in Section 6 of this SEE and in the accompanying consultant reports. In particular:</p> <ul style="list-style-type: none"> ▪ The proposal is compatible with the biophysical, hydrological and ecological environment which is characteristic of the locality. The development incorporates a comprehensive water management strategy to minimise impacts to the natural environment. ▪ The coastal environment values and natural coastal process remain intact. ▪ Marine estate is not applicable to the proposal. ▪ Abel Ecology confirms in Appendix 12 that the native vegetation and fauna is not adversely impacted by the development. ▪ The proposal does not affect any existing open space. ▪ Aboriginal heritage is not applicable to the site. ▪ Surf zone is not applicable to the site.

Relevant Considerations	Provisions
<p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>The development has been skilfully designed as to minimise adverse impact on the natural setting of the site. Landslip, ecology, tree removal, bushfire, heritage and built form impacts have been assessed in the accompanying documentation and Section 6 of this SEE. Where minor impacts occur, these are reasonably mitigated through the proposed design and will be through the implementation of consultant recommendations.</p>
<p>(3) 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 (SREPSHC)</p>	<p>The SREPSHC is not applicable to the site, hence clause 13 is addressed.</p>
<p>14 Development on land within the coastal use area</p> <p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>(iv) Aboriginal cultural heritage, practices and places,</p> <p>(v) cultural and built environment heritage, and</p> <p>(b) is satisfied that—</p> <p>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p>	<p>The proposed development does not cause adverse impacts on the coastal use area as discussed in Section 6 of this SEE and in the accompanying consultant reports. In particular:</p> <ul style="list-style-type: none"> ▪ The proposal does not impact existing access to the foreshore, beach, headland or public rock platform. ▪ HSA address overshadowing in detail in Appendix 2. Further analysis is provided in Section 6.3.3 of this SEE. In summary, the development does not overshadow, cause wind funnelling or loss of view from public places or foreshores. ▪ The visual amenity and scenic quality of the coast is not impacted. Rather, the proposal sits comfortably within the landscape setting and includes materials which are compatible with the dense bushland. ▪ City Plan Heritage have addressed cultural heritage and confirm in Appendix 6 that the development causes no impact to nearby Cox House. <p>The development has been designed as to avoid adverse impact on the coastal use area.</p>

Relevant Considerations	Provisions
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	
(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.	The SREPSHC is not applicable to the site, hence clause 14 is addressed.
15 Development in coastal zone generally—development not to increase risk of coastal hazards Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal considers on-site sediment and erosion. Harris Page and Associates have addressed this coastal process with a management plan in Appendix 11 involving hay bales and rubber grid. The proposal is not expected to give rise to other coastal hazards such as flooding and sea level rise, given the separation from affected land.
16 Development in coastal zone generally—coastal management programs to be considered Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	No coastal management policies apply to the subject locality, hence clause 16 is not applicable.

4.6. Pittwater Local Environmental Plan 2014

4.6.1. Zoning and Permissibility

The PLEP is the primary environmental planning instrument applying to the site. Pursuant to the PLEP the site is zoned E4 Environmental Living as illustrated in Figure 38 below.

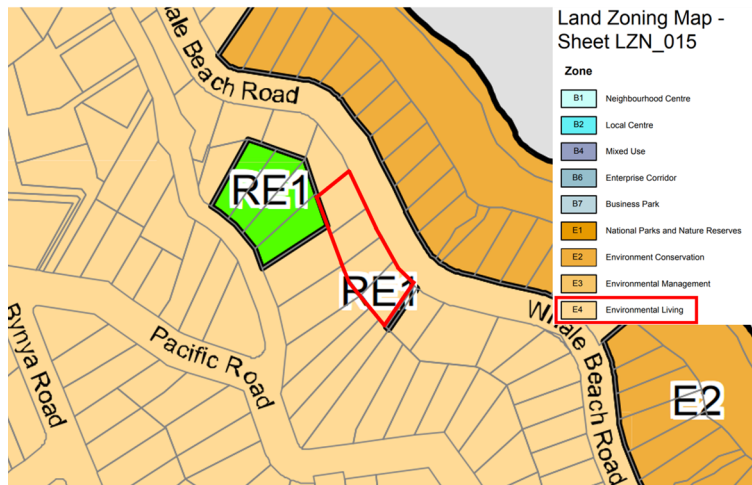


Figure 38: Extract of the land use zoning map, site outlined in red (Source: NSW Legislation)

The proposed dwelling house and carrying out of bushfire hazard reduction works for the purpose of creating an ancillary APZ is permissible with development consent in the E4 zone.

4.6.2. Objectives

Clause 2.3(2) of the PLEP provides that Council must have regard to the zone objectives when determining an application. The objectives of the E4 Environmental Living zone are as follows:

1 Objectives of zone

- 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 proposal is consistent with the zone objectives as it involves the construction of a low-impact dwelling house which preserves the ecological, aesthetic and environmental values of the locality. The proposal does not result in adverse environmental impacts as outlined in Section 6 of this SEE. The design seeks to deliver a built form including materiality which is sympathetic with the natural bushland landscape. The site is not located within proximity of a riparian corridor and is separated from the foreshore by Whale Beach Road.

4.6.3. Other PLEP 2014 Provisions

Consideration of the remaining provisions of the PLEP that are relevant to the proposal are addressed in Table 8 below.

Table 8: PLEP compliance table

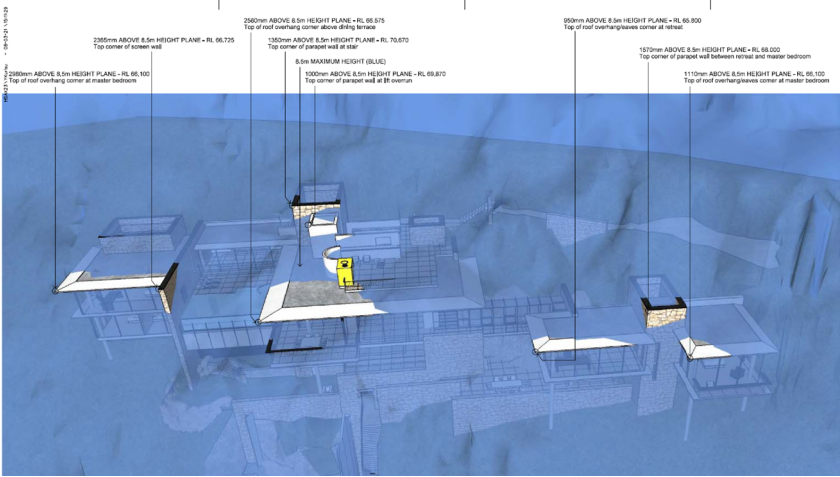
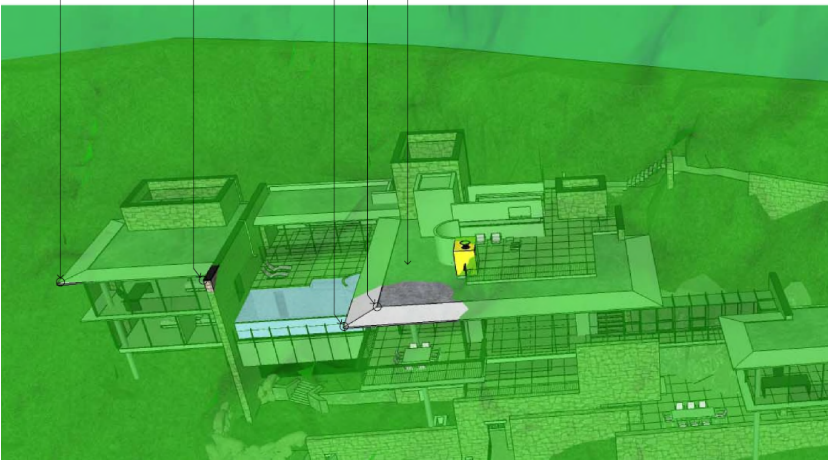
Relevant Clause	Comment	Complies
Part 4- Principal Development Standards		
Clause 4.3 Height of Buildings	<p>The site is subject of a mapped permissible building height of 8.5 metres. However, clause 4.3(2) of the PLEP states:</p> <p><i>(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—</i></p> <p><i>(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and</i></p> <p><i>(b) the objectives of this clause are achieved, and</i></p> <p><i>(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and</i></p> <p><i>(d) 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.</i></p> <p>Therefore, provided the points (a) to (d) are achieved the maximum permissible building height for the site is 10 metres.</p> <p>The proposed development achieves points (a) to (d) as follows.</p> <p>(a) The portions of the building that exceed the height standard mainly pertain to roof structure. This structure is minor compared to the overall building and roof area as shown below.</p>  <p>(b) The objectives of clause 4.3 are achieved as follows:</p> <ul style="list-style-type: none"> The built form is generally consistent with the desired future character of the Palm Beach Locality as stipulated in Section D12 of the PDCP. 	<p>Contravention proposed. Refer to Appendix 1 for justification</p>

Figure 39: Extract of the 8.5 metre height plane diagram, chimney highlighted in yellow (Source: HSA)

Relevant Clause	Comment	Complies
	<ul style="list-style-type: none"> ▪ The development sits comfortably within the bushland setting and is consistent with the height and scale of surrounding development. The proposal is designed with a central core and two connecting bedroom wings to the north and south. HSA utilise recessing and materiality to achieve compatibility and sympathy with surrounding context. ▪ The proposal minimises overshadowing onto neighbouring properties. No shadows are cast onto the adjoining properties at 9am. Minor shadows are cast at 12pm. At 3pm, Nos. 346 and 344 experience overshadowing from the subject development. Given the orientation of the sites, facing east, all properties on the escarpment experience overshadowing to this effect. ▪ The building has been designed to respond to the steep topography of the site. Excavation is required to accommodate the basement and internal access from street level. As evident on the sections, the generally habitable area of the dwelling house (level 1 and 2) has been designed, wherever possible, to the existing ground levels. <p>(c) The building footprint is situated on slope in excess 16.7 degrees. HSA have confirmed the building sits on a slope in excess 16.7 degrees, noting the slope of the site is on average:</p> <ul style="list-style-type: none"> ▪ North boundary - 33.7 degrees ▪ Mid-north boundary - 34.2 degrees ▪ Mid-south boundary - 36 degrees ▪ South boundary 33.8 degrees <p>(d) The building has been designed to minimise the extent of excavation wherever possible. Notwithstanding, excavation is required to accommodate the basement and provide internal access to the dwelling house. As illustrated on the sections prepared by HSA, the habitable spaces on levels 1 and 2 of the dwelling house are all designed above existing ground level. The proposal responds to the varying site levels, minimising the requirement for cut and fill.</p> <p>As subclause 4.3(2D)(a)- (d) are achieved, the 10 metre building height limit is applicable in this circumstance.</p> <p>The proposal involves minor variation of 10 metre height of buildings development standard:</p> <ul style="list-style-type: none"> ▪ 0.13m at the corner of the roof overhang/eaves at the south-wing master bedroom (RL66.10) ▪ 0.87m at the top corner of the screen wall (RL66.725) ▪ 0.98m at the top of the roof of the dining terrace (RL66.90) ▪ 1.08m the corner of the roof overhang/eaves above the dining terrace (RL66.575) <p>Refer to the below 10 metre height plane diagram.</p>	

Relevant Clause	Comment	Complies
	<p>130mm ABOVE 10m HEIGHT PLANE - RL 66.100 Corner of roof overhang/leaves at master bedroom</p> <p>870mm ABOVE 10m HEIGHT PLANE - RL 66.725 Top corner of screen wall</p> <p>1080mm ABOVE 10m HEIGHT PLANE - RL 66.575 Corner of roof overhang/leaves above dining terrace</p> <p>980mm ABOVE 10m HEIGHT PLANE - RL 66.900 Top of roof above dining terrace</p> <p>10m MAXIMUM HEIGHT (GREEN)</p>  <p>Figure 40: Extract of the 10 metre height plane diagram, chimney highlighted in yellow (Source: HSA)</p> <p>A clause 4.6 variation request accompanies this application in Appendix 1 and justifies the variation to the 10 metre height of building development standard.</p>	
Clause 4.4 Floor Space Ratio	The site is not subject to a maximum FSR.	N/A
Part 5- Miscellaneous Provisions		
Clause 5.10 Heritage Conservation	As outlined in Section 2.3.7 of this SEE, the site is located to the south of local heritage item, 'Cox House', though separated by 354 Whale Beach Road. To address clause 5.10, City Plan Heritage have prepared a Heritage Impact Statement (Appendix 6). The statement confirms the proposal does not have any material impact on the proposed heritage item and the objectives of clause 5.10 of the PLEP are achieved.	Yes
Part 7 Additional Local Provisions		
Clause 7.6 Biodiversity	<p>The site adjoins biodiversity land to the east and south, though it not mapped biodiversity affected. Therefore, clause 7.6 does not strictly apply. Notwithstanding the proposal:</p> <ul style="list-style-type: none"> Causes no adverse impact on the condition, ecological value and significance of flora and fauna. This has been verified by Abel Ecology in Appendix 12. Where possible, vegetation has been sought to be retained on the site that are not impacted by the building footprint. Though the proposal will require the removal of trees, this has been assessed 	Yes

Relevant Clause	Comment	Complies
	<p>and determined by a qualified arborist and documented in Appendix 10.</p> <ul style="list-style-type: none"> ▪ The biodiversity structure, function and composition of the land will not be adversely impacted. ▪ The habitat elements of the land will be maintained. 	
Clause 7.7 Geotechnical Hazards	The site is mapped geotechnical hazard H1. JK Geotechnics have assessed the geotechnical risks of the site. The key matters in clause 7.7(3) of the PLEP including site layout and access, design and construction methods, cut and fill, stormwater management, geotechnical constraints of the site and appropriate mitigation measures have been duly considered in the Geotechnical Report and Stormwater Plan (Appendix 5 and 11, respectively). These reports confirm the development minimises geotechnical risk, the building will be developed with a suitable stormwater management plan and sediment and erosion impact will be minimised during construction.	Yes
Clause 7.10 Essential Services	The proposal will be developed with essential services as required by clause 7.10 of the PLEP. This includes supply of water and electricity, disposal and management of sewage, stormwater drainage and on-site conservation and suitable vehicular access.	Yes

4.6.4. Northern Beaches Comprehensive LEP and DCP Review

Council is undertaking a comprehensive review of the applicable LEPs and DCPs in the LGA. Currently the LGA has three applicable LEPs/DCPs reflecting the pre-amalgamation structure of Manly, Warringah and Pittwater LGAs. As at the date of this SEE, the Draft Northern Beaches LEP and DCP was not publicly available, therefore the PLEP 2014 and PDCP 2014 apply in this instance.

5. NON-STATUTORY PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report comprises:

- A Metropolis of Three Cities - the Greater Sydney Region Plan
- North District Plan, and
- PDCP.

5.1. Greater Sydney Region Plan

A Metropolis of Three Cities - the Greater Sydney Region Plan was released in March 2018 and is the first Region Plan prepared by the Greater Sydney Commission. The Plan envisages a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. It is anticipated that people of Greater Sydney will live within 30 minutes of their jobs, education and health facilities, services and great places. The proposal is minor in the context of the Greater Sydney Region Plan and, to the extent it is applicable to the redevelopment of an existing dwelling house, is consistent with the strategic direction provided therein.

5.2. North District Plan

The North District Plan provides a series of priorities and actions to guide development and accommodate the expected growth across the district. This District Plan has been prepared to give effect to the Greater Sydney Region Plan. The proposed development is consistent with the relevant objectives and actions of this plan.

5.3. Pittwater Development Control Plan 2014

Consideration of the applicable PDCP provisions that are relevant to the proposal are considered in Table 9 below. In summary, the proposal is generally compliant with the applicable provisions. Where non-compliances have been identified the proposal takes into consideration the guidance offered by the PDCP and aims to comply with the intent of the controls. This approach is consistent with the statutory requirements of EP&A Act, which requires consent authorities "to be flexible in applying [the provisions of a DCP] and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development".

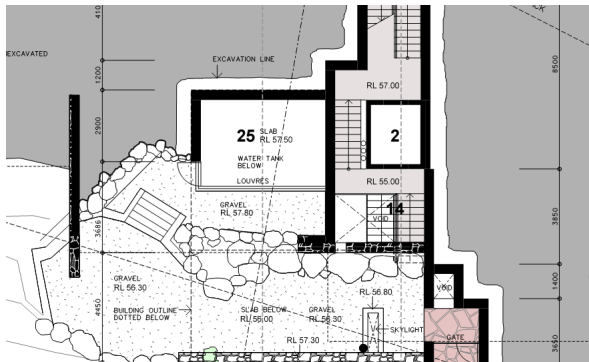
Table 9: PDCP compliance table

PDCP Provisions	Proposal Discussion
A4 Localities	
A4.12 Palm Beach Locality The site is located within the Palm Beach locality. Therefore, the provisions of D12 of the PDCP apply.	Noted. Refer below in this table for an assessment of the proposal against the applicable Palm Beach locality provisions.
B1.2 Heritage Conservation - Development in the vicinity of heritage Any development application involving work likely to impact the heritage significance of a heritage item is to be accompanied by a	The application is accompanied by a Heritage Impact Statement in Appendix 6. City Plan Heritage conclude the proposed building utilises a design and materials that is respectful to the surrounding setting and sympathetic to the characteristics of the built environment in the area. This provision is therefore achieved.

PDCP Provisions	Proposal Discussion
Statement of Heritage Impact prepared by an appropriately qualified heritage professional.	
<p>B3.1 Landslip Hazard</p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	JK Geotechnics have assessed the geotechnical risk of the site and proposal. Appendix 5 confirms the proposal is suitable on the land and will not cause adverse risk for people, assets or infrastructure.
<p>B3.2 Bushfire Risk</p> <p>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</p> <p>Development land to which this control applies must comply with the requirements of:</p> <ul style="list-style-type: none"> ▪ Planning for Bushfire Protection (2006) ▪ Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area 	Abel Ecology have prepared a Bushfire Report (Appendix 7). The proposal achieves the objectives and provisions in Planning for Bushfire Protection 2019.
<p>B4.3 Flora and Fauna Enhancement Category 2 Land</p> <p>Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and other locally native species.</p> <p>Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.</p> <p>Development shall not result in a significant onsite loss of canopy cover or a net loss in native canopy trees.</p>	<p>Abel Ecology conclude in Appendix 12 that although some native species of Coastal Enriched Sandstone Dry Forest remain on site, the vegetation has been degraded by loss of larger trees, disturbance accrued by construction and occupation, replacement with exotic gardens and weed invasion. The proposal is not anticipated to cause adverse impact to the community.</p> <p>The scale of the proposal will modify a small area of potential foraging/hunting area of the Grey-headed Flying Fox with substantial areas of native vegetation in the surrounding area and will not place any of the species at significant risk of extinction.</p> <p>Abel Ecology confirm the design of the proposal appears to enable protection and preservation of the main rock escarpment and rock outcrops on site that are providing habitat to native reptiles.</p>
<p>B4.11 Land Adjoining Bushland</p> <p>Development shall not adversely impact on the adjoining reserve.</p> <p>Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or listed in</p>	<p>The proposal does not adversely impact Annie Wyatt Reserve to the west.</p> <p>Danger Barin Smith confirm 100% of new planting species are native.</p> <p>The proposed landscaping works are on-site and do not comprise environmental weeds.</p>

PDCP Provisions	Proposal Discussion
<p>Native Plants for Your Garden available on the Pittwater Council website).</p> <p>Landscaping works are to be outside areas of bushland and do not include Environmental Weeds.</p>	
<p>B4.22 Preservation of Trees and Bushland Vegetation</p> <p>Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</p> <p>Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</p>	<p>As discussed in Section 3.4 of this SEE, the development requires the removal of 29 existing trees with 17 being very low - low retention value, 9 being moderate retention value and 3 being high retention value. These have been carefully assessed by Earthscape Horticultural Services. This is one less tree than approved for removal in DA2019/0213.</p> <p>The design includes sufficient replacement planting as illustrated on the Landscape Plan (Appendix 3).</p>
<p>B5.15 Stormwater</p> <p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</p> <p>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.</p>	<p>The Stormwater Management Plan prepared by Harris Page and Associates ensures stormwater runoff does not cause downstream flooding and will result in minimal environmental impact. The stormwater design has considered the constraints of the site and Council's policy.</p>
<p>B6.3 Off-Street Vehicle Parking Requirements</p> <p>The minimum number of vehicle parking spaces to be provided for off-street parking is as follows for dwelling houses.</p> <p>2 bedroom or more - 2 spaces</p>	<p>As shown in the Architectural Plans (Appendix 2) the proposal provides four spaces on-site within a basement garage. The minimum two space requirement is achieved.</p>
<p>C1.1 Landscaping</p> <p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community.</p> <p>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</p> <p>The front of buildings (between the front boundary and any built structures) shall be</p>	<p>Danger Barin Smith confirm 80% of new planting species are local native. Species have been informed by the Ecology Report.</p> <p>As shown in Appendix 3, the development comprises a range of planting species which soften the proposal and create a suitable balance between built form and landscape area.</p> <p>The proposed dwelling house as viewed by Whale Beach Road is sufficiently screened by landscaping in the front setback zone (greater than 60%).</p>

PDCP Provisions	Proposal Discussion
<p>landscaped to screen those buildings from the street as follows:</p> <ul style="list-style-type: none"> 60% for a single dwelling house 	 <p><i>Figure 41: Street view photomontage of the view looking north along Whale Beach Road (Source: HSA)</i></p>
<p>C1.3 View Sharing</p> <p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The proposal has been designed to achieve reasonable view sharing. Refer to section 6.3.4 of the SEE for further detail.</p>
<p>C1.4 Solar Access</p> <p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p>	<p>HSA confirm the proposal achieves compliance with the solar access provisions in C1.4 of the PDCP.</p>
<p>C1.5 Visual Privacy</p> <p>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p>	<p>The proposed pool and spa benefit from complete privacy. The built form on the northern portion of the site screens the pool from dwellings to the north and a screen wall is set out 1.6m, similarly screening the POS.</p> <p>The proposed rooftop POS is located above the kitchen, dining and living room. This area is sufficiently screened as illustrated on the south elevation and section A in Appendix 2. The screening comprises a mix of solid and steel post balustrades.</p>
<p>C1.6 Acoustic Privacy</p> <p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</p>	<p>The dwelling has been designed with a core building comprising the kitchen, living and dining room, connected to the north and south wing. In this regard, noise sensitive rooms are separated from noise generating rooms.</p>

PDCP Provisions	Proposal Discussion
<p>C1.7 Private Open Space</p> <p>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</p> <p>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</p>	<p>The proposal achieves these PDCP provisions for POS. The development comprises diverse POS accessible from various parts of the development as shown in Appendix 2.</p>
<p>C1.15 Storage Facilities</p> <p>A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.</p>	<p>The proposal includes several storage spaces throughout the dwelling, including within the basement. The total area exceeds the minimum 8m³.</p>
<p>C1.125 Plant, Equipment Boxes and Lift-Overrun</p> <p>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.</p>	<p>A plantroom including mechanical and hot water system are proposed in basement level 4, see below.</p>  <p>Figure 42: Proposed plantroom in the basement level 4 labelled '25' (Source: HSA)</p> <p>The noise generating equipment are sufficiently separated from residents and neighbours.</p>
<p>D12.1 Character as viewed from a public place</p> <p>Buildings which front the street must have a street presence and incorporate design</p>	<p>The design elements visible from Whale Beach Road are compatible with the design characteristics of the locality. Due to the dense vegetation across</p>

PDCP Provisions

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. Blank street frontage facades without windows shall not be permitted.

Proposal Discussion

the site, the dwelling house is barely recognisable when approaching the site on Whale Beach Road.



Figure 43: Street view photomontage of the view looking north along Whale Beach Road (Source: HSA)

The proposed garage is a composition of a copper-clad door (F), rubble stone-faced masonry wall (A) and smooth-off form concrete, clear sealed (B).

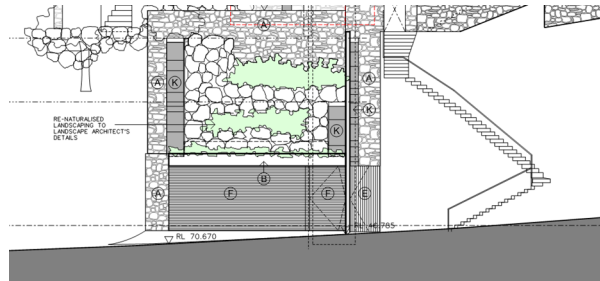


Figure 44: Extract of the proposed garage door showing materials (Source: HSA)

D12.3 Buildings colours and materials

External colours and materials shall be dark and earthy tones as shown below:



Figure 45: Extract of earthy tones prescribed by the PDCP (Source: PDCP)

The proposed materials are a composition of earthy tones, ensuring the proposed building sits comfortably within the landscape.

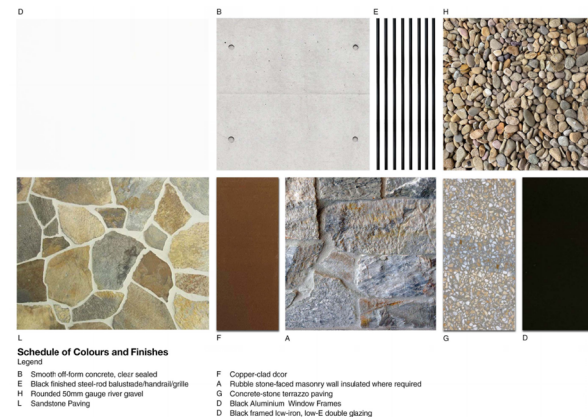
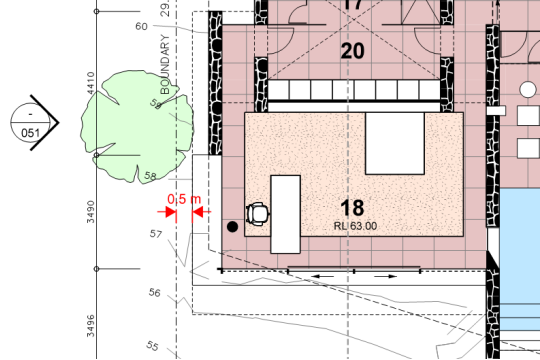
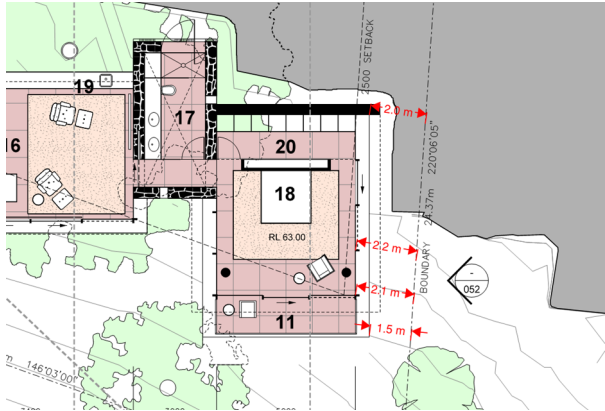
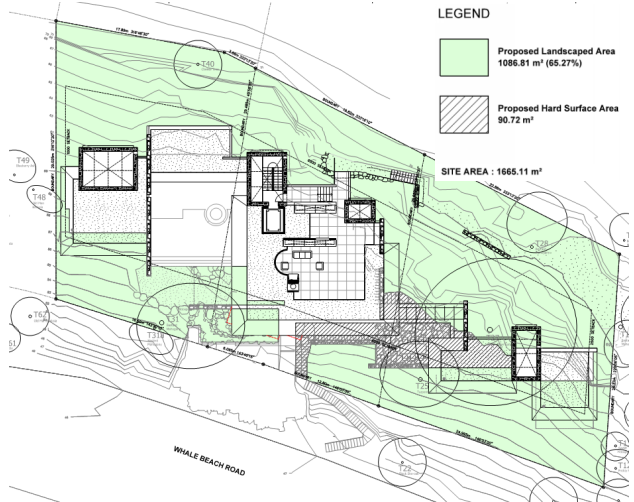


Figure 46: Extract of materials sample (Source: HSA)

PDCP Provisions	Proposal Discussion
D12.5 Front building line The minimum front building line is 6.5m or the established building line whichever is greater.	<p>The proposal involves a variation to the 6.5m front setback. HSA have annotated the setback line on the architectural plans in Appendix 2.</p> <p>The siting and design of the building has been driven by the desire to minimise the extent of excavation and tree removal, wherever practically possible. Further, the building is orientated east to capture the view of the Pacific Ocean and Palm Beach Headland, compared to a typical north south orientation lot. This creates a narrow developable area with a 6.5m setback in the front and rear. The proposal has been designed to consider the site constraints of excavation minimisation, bushfire risk mitigation, tree removal minimisation wherever practically possible and ecology protection. With this said, the building involves a projection into the front setback zone at the following locations:</p> <ul style="list-style-type: none"> ▪ Storage room level 1 basement ▪ South-east corner of the family/TV room on level 1 ▪ South- east corner of the level 1 terrace ▪ Small portion of the south- east corner of the south wing master bedroom on level 1 ▪ Dining terrace on level 2 ▪ South- east corner of the retreat on level 2 ▪ Small portion of the south- east corner of the north wing master bedroom and terrace on level 2 <p>While these areas project beyond the 6.5m front setback line, the building recesses in other locations to well within the setback line, creating an articulated built form within minimal visual impact. The modulation of the front setback and composition of materials provides a superior built form outcome.</p> <p>It is to be noted that DA2019/0213 was approved with variations to the front setback line. At the ground level the previously approved living room and outdoor terrace projected into the front setback from 3.056m to 3.442m and similarly the outdoor terrace on the first floor. The pool exceeds the front building line by 4.2m.</p>
D12.6 Side and rear building line Side boundary: 2.5m to at least one side; 1.0m for the other side. Rear boundary: 6.5m.	<p>The proposal provides a generally 1.0m setback from the south boundary and generally 2.5m setback from the north boundary.</p> <p>At level 2 a small portion of the south wing master bedroom balcony projects into the 1.0m setback zone, by 0.5m. Due to the varying topography in this location, falling toward Whale Beach Road, and</p>

PDCP Provisions	Proposal Discussion
	<p>existing vegetation comprising shrubbery and a couple of trees, opportunities for overlooking to and from the adjoining site at no.346 can be managed. While this site is currently vacant, the design of the proposal has been developed in the context of the future dwelling on the adjoining site to the south.</p>  <p><i>Figure 47: Proposed setback of south-wing master bedroom balcony setback 0.5m (Source: HSA)</i></p> <p>At the north, a small portion of the north-wing master bedroom including the narrow north facing balcony, north-east corner of the terrace and bedroom extend beyond the 2.5m setback line. The roof at the upper level overhangs in the corresponding locations.</p>  <p><i>Figure 48: Proposed setback projections on north boundary level 2 (Source: HSA)</i></p> <p>As shown in the Arborist Report, the north boundary is densely vegetated. In addition, the existing dwelling at 354 Whale Beach Road is situated 3 metres above the proposed dwelling. The proposed variation to the side setback at the north is not expected to cause adverse impacts.</p>

PDCP Provisions	Proposal Discussion
<p>D12.10 Landscape area - environmentally sensitive area</p> <p>The total landscaped area on land zoned E4 Environmental Living shall be 60% of the site area.</p> <p>The use of porous materials and finishes is encouraged where appropriate.</p>	<p>The proposal provides 1,086.81m² of landscape area, representing 65.27% of Lots 328- 330.</p>  <p>LEGEND</p> <ul style="list-style-type: none"> Proposed Landscaped Area 1086.81 m² (65.27%) Proposed Hard Surface Area 99.72 m² <p>SITE AREA : 1665.11 m²</p> <p><i>Figure 49: Extract of landscape area calculation showing compliance (Source: HSA)</i></p>

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1. Overview

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the EP&A Act.

6.2. Context and Setting

The context and setting of the development site is described in Section 2.3 of this Statement.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- **Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.**

The proposal’s physical impacts on surrounding development are acceptable and cause no constraints on the development potential of surrounding sites. The environmental impacts are assessed in detail throughout Section 6 of this SEE, noting those on surrounding development primarily relate to bushfire risk, flora and fauna, geotechnical stability, tree removal, overshadowing and view loss.

- **Is the proposal’s appearance in harmony with the buildings around it and the character of the street?**

The proposal provides a new dwelling house which is harmonious and sympathetic with the character of the streetscape and the Palm Beach Locality. The built form nestles into the bushland landscape. The building mass is distributed across three allotments as to minimise its visual impact. The proposed materials are earthy, consistent with those required by the PDCP. The proposal achieves design excellence and is informed by detailed contextual and site analysis. The new dwelling house maintains the landscape setting of the site and is a well-articulated and highly recessed built form, compatible with the context.



Figure 50: Street view photomontage of the view looking north along Whale Beach Road (Source: HSA)

6.3. Built Environment

6.3.1. Built Form and Design

The development in the locality comprises large scale dwelling houses orientated east, maximising views of the Pacific Ocean and Palm Beach Headland. The proposal is compatible with the height and scale of surrounding and nearby development. Of note:

- The built form is distributed across three allotments, minimising the density impact compared to a single allotment, like numerous neighbouring developments.
- The distribution of built form provides opportunities for building modulation and recessing clearly defining two wings connected by a central living/entertainment core.
- The proposal is generally consistent with the side and front setback provisions. Where variations occur, these have been offset by greater setbacks in adjoining and other locations.
- The proposal complies with the rear setback provision.
- The development achieves a suitable balance between built form and landscape area, with landscaping/bushland the dominant feature of the site, reflecting this characteristic of the locality. The proposal provides 1,086.81m² of landscape area, representing 65.27% of Lot 328- 330.
- The proposed materials are a composition of earthy tones, ensuring the proposed building sits comfortably within the natural landscape setting.

As shown in the below figure, the proposal is compatible with the scale of surrounding and nearby development in the locality.



Figure 51: Extract of proposed photomontage from the Pacific Ocean, proposal outlined in yellow (Source: HSA)

6.3.2. Materiality

The proposed materials and finishes are earthy, creating a built form which sits sympathetically in the natural landscape setting and continues to correspond to the adjoining coastline. The mix of sandstone, rubble stone faced masonry and concrete stone terrazzo paving reflect the rock escarpment of the coastal

and sandstone underlain of the site. The composition of materials together with the architectural design produce an exceptional built form outcome as shown in the following image.

6.3.3. Overshadowing

HSA have prepared overshadowing analysis of the existing and proposed development. At 9am minor shadows fall on-site on the rear rock escarpment. At 12pm a minor shadow remains on-site on the rear rock escarpment and a small shadow falls on the mid-north boundary on the adjoining site to the south, no.346. By 3pm, most of the site including the adjoining no.346 are shadowed. Refer to the below figures.



Figure 52: Extract of 9am shadow diagram (Source: HSA)



Figure 53: Extract of 12pm shadow diagram (Source: HSA)



Figure 54: Extract of 3pm shadow diagram (Source: HSA)

Due the orientation of the site, the worse shadows occur at 3pm, though this is consistent with all dwellings located on the east escarpment. The recessed nature of the proposal, specifically the creation of various wings connected by a central core means shadows are well managed between 9am to 12pm mid-winter. Overall, the proposal does not cause adverse shadow impacts, noting the inevitability at 3pm.

6.3.4. Views

The proposal, specifically the non-compliant portions of the building, allow for reasonable view sharing. The sites on the east escarpment benefit from views of the Pacific Ocean directly east and may benefit from views of Palm Beach Headland to the north-east.

The dwelling house does not cause any view loss from the neighbouring property No.354 on consideration of its lowest floor level being RL69.430 and the proposal's roof level adjacent to No.354 being RL66.425 – 3 metres below. Refer to drawings 050(Q) and 101(A) in Appendix 2 for detail.

The proposal allows for view sharing from No.344 directly east toward the Pacific Ocean (front boundary). The proposal is anticipated to cause minor view loss from the oblique view across the subject site looking north and north-east. It is noted that sightline from the northern-most corner of the house through the corner of the permissible building setback line closest to No.344 masks the parts of the proposal further north which do come forward of the building line. Refer to Figure 55 and drawings 001(C), 005(D), 006(L) and 101(A) in Appendix 2.

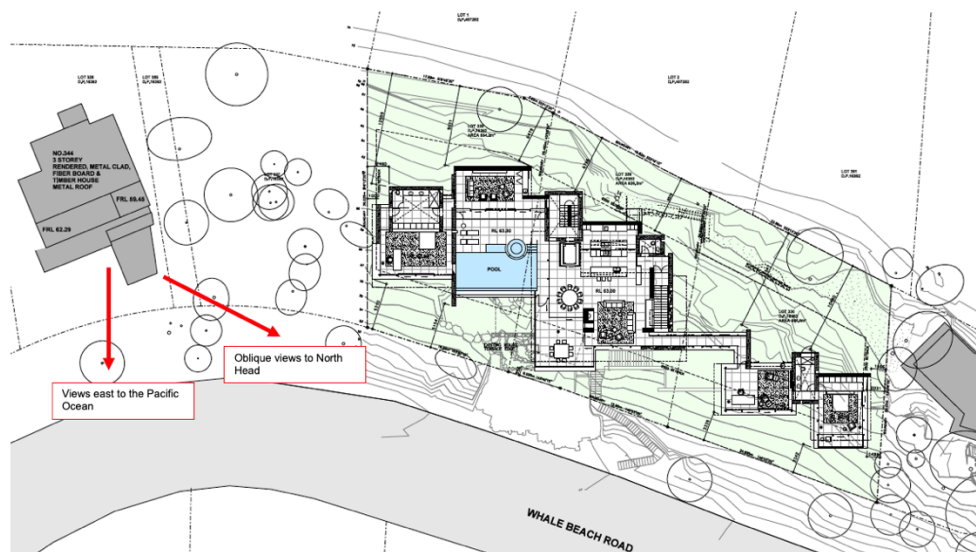


Figure 55: Extract of drawing 006 showing view lines from No.344 (Source: HSA, annotated by City Plan)

Consistent with *Tenacity Consulting v Warringah Council* [2004] NSWLEC 2004, side views are harder to protect than views obtained front and rear property boundaries. The proposal causes minor view loss from the side (north) boundary (due to the orientation of the site) which comprises a view with water, bushland and foreshore.

The proposal causes no view loss from the properties at the rear due to the steep topography of the ridgeline.

Therefore, the development allows reasonable view sharing.

6.3.5. Internal Amenity

The proposal has been designed to provide a high-quality built form which is expressively unique in its design and luxurious internally. This design approach is consistent with the nature of development in the locality. Internally, HSA have sought to create a central building core that will act as a focal gathering and entertaining area for future residents. This is connected to a north and south wing with private living quarters that are spacious in size and comprise bedrooms with a wardrobe, bathroom, balcony and in some cases a study or retreat and living/family rooms.

6.3.6. Privacy

The design has sought to minimise opportunities for overlooking to and from the development, with setbacks, retention of vegetation and a continually recessing building. Privacy is forwarded naturally due

to the dense landscaping setting and falling topography toward the Pacific Ocean. 354 Whale Beach Road is situated north-west of the proposed dwelling, further up the ridgeline. The north-wing of the proposal and the south portion of the adjoining dwelling are close in proximity, though sufficiently separated by existing vegetation. While Tree 16 (Golden Monterey Cypress) requires removal with the proposal and currently contributes to screening, there is ample existing vegetation to afford privacy in the new context.

6.3.7. Heritage

City Plan Heritage confirm the proposal will result in no impact on the heritage significance of the nearby 'Cox House' (item no. 2270014). Appendix 6 notes:

The proposed building utilises a well-considered design that is respectful to the surrounding setting and sympathetic to the characteristics of the built environment in the area. Through a built forms configuration which follows the unique topography of the site and curvature of the headland, the development fits into the consistent usage of land seen across the streetscape and wider locality. The design of the residence also utilises a palette of both traditional materials as understated contemporary finishes that together help the development integrate visually within the surrounding environmental context and streetscape. Further, while the removal of plantings will occur, the replacement planting that is to take place will provide sufficient coverage of the area as guided by the Arborist Report. This ensures the proposed development also retains a landscaped buffer zone to the adjacent residence and nearby heritage listed 'Cox House'.

City Plan Heritage confirm that the proposal achieves compliance with the applicable heritage controls relating to heritage conservation.

6.3.8. Parking and Access

The proposal delivers a positive parking and access outcome. The design provides four on-site parking spaces within a secure garage accessible from Whale Beach Road. This is an improvement from the existing single car space on Whale Beach Road. The development maintains the main pedestrian staircase from Whale Beach Road and improves the connectivity from this staircase to the new dwelling house. In response to the steepness of the site, internal access is provided from the basement level via a proposed lift stopping at all levels in addition to various internal staircases.

6.3.9. Traffic

Given the scale and nature of the development, no traffic impacts are expected to be generated on the local road network. Refer to Appendix 8.

6.3.10. Waste

Waste generated during the demolition and construction phase will be minimised wherever possible and appropriately managed to mitigate any the environmental impacts. Recycling of materials will be maximised to ensure resources are conserved, and waste is processed responsibly. Ongoing household waste will be managed in accordance with Council's regular waste and recycling scheme. The design provides a screened garage room at grade, as illustrated below by '27'.

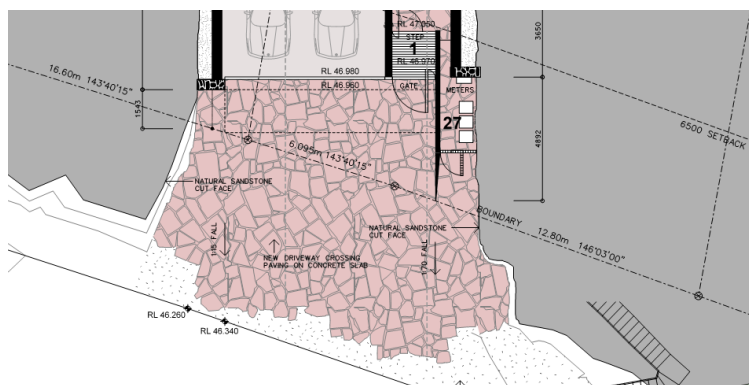


Figure 56: Extract of basement level 0 showing the proposed garage storage room at '27' (Source: HSA)

6.3.11. Noise and Vibration

The proposal is not expected to give rise to any adverse noise impacts. As discussed earlier in this SEE, the plantroom is contained within the basement level 4 away from areas that are sensitive noise receivers. Vibration during the construction period will be managed in the Construction Management Plan (CMP), as discussed in Section 6.3.12 below.

6.3.12. Building and Construction

Compliance with the BCA will be demonstrated with the Construction Certificate documentation.

A final CMP will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. It is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

6.4. Natural Environment

6.4.1. Tree Removal

Section 3.4 and Appendix 10 of this SEE outlines the trees proposed to be removed to accommodate the new dwelling house. Of note:

*The proposed development will necessitate the removal of seventeen (17) trees of low and very low retention value. These include Tree No.s T16 (Golden Monterey Cypress), T21a & T24a (Cotoneaster), T23 (Black She-oak), T32, T37, T52, T53 & T54 (Sweet Pittosporum), T34 (River Oak), T29 (Willow Myrtle), T29a & T29b (Sally Wattle), T36 (Cheese Tree), T39 (Coast Banksia) and T46 & T48 (Old Man Banksia). **None of these trees** are considered significant or worthy of special measures to ensure their preservation. It should be noted that Trees T16, T21a, T23, T32, T36, T37, T39, T46 & T48 are exempt from Council's tree management controls (refer to Section 5.2.1 of Arborist Report).*

*The proposed development will also necessitate the removal of nine (9) trees of moderate retention value. These include Tree No.s T26 (Turpentine), T31a (Bastard Mahogany), T30 & T33 (River Oak), T34a (Port Jackson Fig), T34b (Cheese Tree), T34c (Coast Banksia), T35 (Giant White Bird of Paradise) and T38 (Forest Oak). **These trees are not considered significant**, but are in good health and condition and make a fair contribution to the amenity of the site and surrounding properties. In order to compensate for loss of amenity resulting from the removal of these trees to*

accommodate the proposed development, consideration should be given to replacement planting within the site in accordance with Section 11 of the Arborist Report.

*The proposed development will also necessitate the removal of three (3) trees of high retention value. These include Tree No.s T25 (Turpentine), T27 (Sydney Blue Gum) and T31 (Large-fruited Red Mahogany). Trees T25 & T31 are both locally-indigenous species and T27 is a planted, non-local species in fair to good health and condition. **All of these trees make a positive contribution** to the amenity of the site. Consideration has been given to the retention of these trees. However, are no feasible options that can be recommended in this instance to preserve these trees given their position within the site, the extent of development proposed and the requirements for Asset Protection. In order to compensate for loss of amenity resulting from the removal of these trees to accommodate the proposed development, consideration should be given to replacement planting with new trees elsewhere within the site in accordance with Section 11 of the Arborist Report.*

No other trees will be adversely affected by the proposed development.

Earthscape Horticultural Services detail tree protection measures in Appendix 10. Provided these recommendations are adhered to, the proposal is not expected to give rise to adverse arborist impacts. Sufficient replacement planting is accommodated with the development and illustrated on the Landscape Plan in Appendix 3.

6.4.2. Flora and Fauna

Abel Ecology confirm the proposal will cause no adverse impact on the threatened flora and fauna present on the site. To note:

- While some native species of the Coastal Enriched Sandstone Dry Forest remain on-site and a very small area of Coastal Enriched Sandstone Moist on the south of Lot 327 (off-site), vegetation has been degraded by loss of larger trees, disturbance accrued by construction and occupation, replacement of exotic gardens and weed invasion.
- None of the threatened terrestrial fauna species known for the wider locality have any specific requirements that could currently be provided by the site for breeding or other life cycle needs.
- The scale of the proposal will modify a small area of potential foraging/hunting area of the Grey-headed Flying-Fox with substantial areas of native vegetation in the surrounding area and will not place any of these species at significant risk of extinction.
- The design enables the protection and preservation of the main rock escarpment and rock outcrops on the site that are providing habitat to native reptiles.

Abel Ecology confirmed a BDAR is not required.

6.4.3. Landscaping

A key objective of the proposal is to maintain the rich landscape and horticultural focus of the site. The landscape design will positively contribute to the quality and amenity of the site, the streetscape and wider locality. While the removal of several trees will be required, the proposed replacement planting will provide sufficient coverage of the area.

6.4.4. Bushfire

Abel Ecology have identified the eastern portion of the site as bushfire prone land being within the 30m buffer zone. The report notes the proposal has been designed to comply with the requirements of Planning for Bushfire Protection 2019 (PBP 2019), provided the recommendations in Appendix 7 are adhered to. This includes the creation and maintenance of an APZ which includes Lot 327. As discussed earlier, a

vegetation management plan and easement will be created over Lot 327 to ensure the ongoing maintenance of the APZ.

6.4.5. Geotechnical

JK Geotechnics have undertaken a site-specific assessment of the geotechnical conditions of the site. JK Geotechnics confirm the proposed development may proceed provided the specific design, construction and maintenance recommendations outlined in Section 6 of Appendix 4 are adopted to maintain and reduce the present risk of instability of the site and to control future risks.

6.4.6. Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

6.5. Social and Economic Effects

6.5.1. Crime and Safety

There are no negative social or economic impacts to result from the proposed development. The proposed development will not have any adverse impacts to the streetscape character of Whale Beach Road or the Palm Beach Townscape area.

The proposed development will have a positive economic impact by providing a higher standard of architectural design than the existing dwelling house at the subject site. The development will also offer a positive contribution to the higher-end of Sydney's property market and the diversity of housing choice throughout Sydney, by providing a high standard of design that is complemented by a prestigious contextual setting.

The proposal will also create additional jobs during the construction phase.

6.5.2. Public interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is "Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing an improved dwelling on the site outweigh any disadvantages and as such the proposed development will have an overall public benefit.

7. CONCLUSION

This DA seeks consent for the demolition of the existing structures on-site and construction of a new dwelling house on 348- 352 Whale Beach Road. The proposal will entail:

- Demolition of the existing structures
- Construction of a two storey dwelling house and,
 - Basement parking at street level
 - Three other basement levels comprising store, plant and ancillary uses
 - Swimming pool, and
 - Rooftop terrace
- Associated excavation, tree removal and landscaping works.
- Consolidation of Lots 328, 329 and 330, otherwise known as No.348- 352 Whale Beach Road.

The DA also involves bushfire hazard reduction works on Lot 327 (346 Whale Beach Road) to the south of the development lots. An APZ is proposed over part of Lot 327.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form and high-quality amenity for the future residents of the dwelling and is consistent and compatible with the desired future character of the site and responds to the natural landscape setting of the locality.

Moreover, the proposal:

- Is an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the EP&A Act,
- Is permissible with development consent in the E4 Environmental Living zone and is consistent with the zone objectives and appropriate within its context of the site and surrounding area,
- Reduces the bushfire hazard that is associated with the existing dwelling,
- Blends in with the natural environment and retains significant natural features of the site, and
- Does not result in adverse environmental impacts by way of bushfire risk, flora and fauna, geotechnical stability, tree removal, overshadowing and view loss.

The benefits provided by the proposed development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.