



*statement of environmental effects*



## **ALTERATIONS & ADDITIONS TO DWELLING HOUSE**

1015 BARRENJOEY ROAD

PALM BEACH NSW 2108

**October 2022**

### **Disclaimer**

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## *introduction*

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This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of John & Marty Boyd to accompany the lodgement of a development application for alterations and additions to an existing dwelling and the construction of a swimming pool at 1015 Barrenjoey Road, Palm Beach.

This statement is informed and accompanied by the following documentation:

- Architectural Plans by Walter Barda Design
- Detail and Boundary Survey by C.M.S. Surveyors
- Stormwater Management Plans by NB Consulting Engineers
- Flood Risk Management Report by NB Consulting Engineers
- Bushfire Report by Bush Fire Planning Services
- Geotechnical Report by Douglas Partners
- Acid Sulphate Soils Assessment by Douglas Partners
- BASIX Certificate by Walter Barda Design
- Waste Management Plan

## *site details*

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The site is legally identified as Lot 54 in Deposited Plan 14682, and is commonly referred to as 1015 Barrenjoey Road, Palm Beach. The site is generally rectangular in shape, with a 15.24m wide frontage to Barrenjoey Road to the north-east, a maximum depth of 73.76m and a total area of 1119m<sup>2</sup>. Whilst the south-western boundary is nominated as the 'Approximate High Water Mark' on the accompanying survey, the site is separated from the Pittwater Water by a public reserve, with a depth of approximately 42m.

A one and two storey dwelling with an attached garage is situated towards the front of the site. Vehicular and pedestrian access is gained via a shared driveway in the road reserve, that runs parallel at a lower level to the main roadway of Barrenjoey Road. The shared driveway is separated from the main roadway by dense vegetation. Pedestrian access is also available from the foreshore.

The site is generally level, with a slight fall towards the waterway. The site contains a number of existing palm trees but is generally free of any significant vegetation.

The site is predominantly surrounded by low density residential development of varying age, architectural style and character, with the exception of the adjoining property at 1017 Barrenjoey Road, which comprises a residential flat building and a detached dwelling.

An aerial image of the site and its surrounds is provided in Figure 1 on the following page. Images of the site, the existing dwelling and the streetscape are also provided (Figure 2-6).



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



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



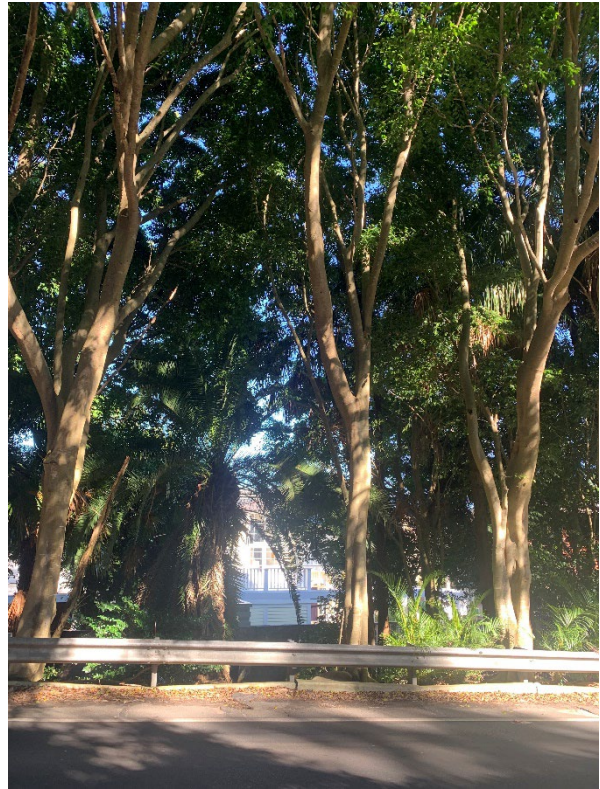
Figure 3 – Subject property (centre) as viewed from the foreshore (SW)  
Source: NBP



Figure 4 – Location of proposed swimming pool  
Source: NBP



**Figure 5 – Site (centre) as seen from shared driveway (N)**  
Source: NBP



**Figure 6 – Site (centre) as seen from Barrenjoey Rd (NE)**  
Source: NBP



**Figure 7 – Site (centre) as seen from shared driveway (E)**  
Source: NBP



**Figure 7 – Nearby development with nil front setbacks**  
Source: NBP

## *proposed development*

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The application seeks consent for alterations and additions to the existing dwelling at 1015 Barrenjoey Road, Palm Beach. Specifically, the works include:

- Minor demolition works,
- Alterations and additions to the front portion of the upper floor to provide:
  - Rumpus room,
  - 2 additional (guest) bedrooms,
  - Bathroom,
- Construction of a swimming pool and spa, and
- Installation of associated pool fencing.

The works are depicted in the Architectural Plans prepared by Walter Barda Design that accompany this application.

## *legislation, plans and policies*

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

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
  - Coastal Environment Area
  - Coastal Use Area
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
  - Acid Sulfate Soils Map: Class 3
  - Lot Size Map: 700m<sup>2</sup>
  - Land Zoning Map: C4 Environmental Living
  - Height of Buildings Map: 8.5m
  - Geotechnical Hazard Map: H1
  - Foreshore Building Line Map
  - Flood Prone Land
- Pittwater 21 Development Control Plan (**P21 DCP**)
  - Palm Beach Locality
  - Landscaped Area 1
  - Bushfire Prone Land
  - Flood Hazard Map

*environmental planning and assessment act*

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

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



## *state environmental planning policy (resilience and hazards)*

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### **Coastal Hazard**

The site is identified as land in the coastal use area on the Coastal Use Area Map and the coastal environment area on the Coastal Environment Area Map.

The provisions of chapter 2 of SEPP (Resilience and Hazards) are applicable in relation to the site and this proposal. The application is supported by a Geotechnical Report by Douglas Partners, which confirms that the proposed development can be undertaken safely with respect to the geotechnical hazard that affects the site. Further, the development is set well back from the water's edge, with the adjacent public reserve providing a suitable buffer between the development and the waterway.

#### Development on land within the coastal environment area

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.10(1) of this policy.

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

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.11(1)(a) of this policy, and that the surrounding coastal and built environment has been taken into account with regard to the bulk, scale and size of the proposed development.

#### Coastal Zone

The proposed development is not likely to cause increased risk of coastal hazards on the land or other land, and the consent authority can be satisfied with respect to section 2.12 of this policy.

### **Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

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

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

*state environmental planning policy  
(biodiversity and conservation)*

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**Vegetation in Non-Rural Areas**

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

The proposed development does not seek consent for the removal of any existing trees or vegetation and is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

*state environmental planning policy  
(building sustainability index: basix)*

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

*local environmental plan*

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

The relevant provisions of PLEP 2014 are considered, as follows:

Clause	Standard	Proposal	Compliance
Zone C4 Environmental Living			Yes See discussion
4.3 Height of buildings	8.5m <u>or</u> 8m above the FPL	7.63m above existing ground and above the FPL	Yes
5.21 Flood Planning			Yes See discussion
7.1 Acid sulfate soils	Class 3		Yes See discussion
7.2 Earthworks			Yes
7.7 Geotechnical hazards			Yes

			See discussion
7.8 Limited development on foreshore area			Yes See discussion
7.10 Essential services			Yes See discussion

**Zone C4 Environmental Living**

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

**Clause 5.21 Flood planning**

The site is identified as being prone to low and medium risk flooding, as shown on Council Flood Hazard Map (Figure 8). The application is supported by a Flood Risk Management Report by NB Consulting Engineers which confirms that no anticipated increase in flooding is envisaged to occur at the subject site due to the proposed alterations and additions, subject to adherence with the recommendations provided. The consent authority can be satisfied that the development is consistent with the provisions of clause 5.21 of PLEP 2014.



Figure 8 –Extract of Norther Beaches Council’s Flood Hazard Map  
Source: Northern Beaches Council

### **Clause 7.1 Acid sulfate soils**

The site is identified within Class 3 on the Acid Sulfate Soils Map of PLEP 2014. As the works involves excavation greater than 1m below the natural ground surface, an Acid Sulphate Soils Assessment has been undertaken by Douglas Partners and accompanies this application. The report provides management methods and procedures to minimise the environmental impacts resulting from the disturbance of acid sulfate soils during construction. It also provides recommendations for neutralisation and treatment methods for the acid sulfate soils, verification testing requirements, groundwater management strategies and emergency response procedures.

Council can be satisfied the proposed development is consistent with the requirements of this control and that the proposed development will not cause environmental damage.

### **Clause 7.7 Geotechnical hazards**

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

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

### **Clause 7.8 Limited development on foreshore area**

The foreshore building line dissects the subject site at a distance of approximately 12.5m from the MHWM, as shown on the Foreshore Building Line Map of PLEP 2014.

The application seeks consent for a swimming pool and associated decking and fencing within the foreshore area. In accordance with the provisions of 7.8(2) of PLEP 2014, swimming pools are permitted within the foreshore area.

Further, Council can be satisfied of the matters listed in clause 7.8(3) of PLEP 2014, as follows:

- a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*

Comment: The works the subject of the application are appropriately described as low-impact and have been designed to integrate with the landform and landscape. Further, the development appropriately retains and enhances foreshore vegetation. The proposed development is consistent with the objectives of the C4 Environmental Living zone.

- b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

Comment: The proposed swimming pool will be integrated with the landform, will sit at ground level, and will be complemented by a high-quality landscape solution. The proposed development will be compatible with surrounding sites as seen from the waterway and foreshore area.

- c) *the development will not cause environmental harm such as—*
- i. *pollution or siltation of the waterway, or*
  - ii. *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
  - iii. *an adverse effect on drainage patterns, or*
  - iv. *the removal or disturbance of remnant riparian vegetation, and*

Comment: The proposed swimming pool does not necessitate the removal of any existing vegetation and will not result in any impacts upon the waterway or drainage patterns at the site.

- d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

Comment: The proposed development is maintained within private property, with an area currently used for private open space. The proposed swimming pool will not cause congestion or conflict with people using the adjacent foreshore area.

- e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

Comment: The proposed swimming pool is wholly maintained within the private property and will not impede access along the foreshore or to the waterway.

- f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

Comment: There is no known historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land in question.

- g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*

Comment: N/A

h) *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*

Comment: The application is supported by a Flood Risk Management Report that has considered the proposed development in light of flooding.

The proposed development is consistent with the provisions of clause 7.8 of PLEP 2014.

### Clause 7.10 Essential Services

The consent authority can be satisfied that the supply of water and electricity, the disposal and management of sewerage, stormwater drainage and suitable vehicular access will be readily available prior to the occupation of the proposed works, consistent with the provisions of clause 7.10 of PLEP 2014.

### *development control plan*

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P21 DCP is applicable to the site and the proposed development. The site is identified within the Palm Beach Locality.

The relevant provisions of P21 DCP are considered, as follows:

Clause	Control	Proposal	Compliance
A1.7 Considerations before consent is granted	Have regard for the matters for consideration under section 4.15 of the EP&A Act.	The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above).	Yes
A4.12 Palm Beach Locality	Two storey dwelling house integrated with the natural environment.	Two storey dwelling house integrated with the natural environment.	Yes See discussion
B1.3 Heritage Conservation – General			Yes
B1.4 Aboriginal Heritage			Yes
B3.1 Landslip Hazard	Development is to comply with Council's <i>Geotechnical Risk Management Policy for Development in Pittwater 2009</i> .	The application is supported by a Geotechnical Report prepared by Douglas Partners, inclusive of Forms 1 and 1a.	Yes

Clause	Control	Proposal	Compliance
B3.2 Bushfire Hazard	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.	The application is supported by a Bushfire Report prepared by Bush Fire Planning Services.	Yes
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B3.7 Estuarine Hazard – Low Density Residential	Development is to comply with Council's <i>Estuarine Risk Management Policy for Development in Pittwater 2009</i> .		Yes
B3.11 Flood Prone Land	Development identified as low, medium or high flood risk precinct on the Flood Risk Precinct Maps is to be developed in accordance with the Development Control Matrix.	The application is supported by a Flood Report prepared by NB Consulting Engineers, confirming consistency with the requirements of this control.	Yes
B4.15 Saltmarsh Endangered Ecological Community			Yes
B4.16 Seagrass Conservation			Yes
B4.19 Estuarine Habitat			Yes
B5.13 Development on Waterfront Land			Yes
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is supported by Stormwater Management Plans prepared by NB Consulting Engineers, which demonstrate consistency with Council's Water Management Policy.	Yes
B6.1 Access Driveways and Works on the Public Road Reserve		No works are proposed to the existing driveway crossing.	N/A

Clause	Control	Proposal	Compliance
B6.2 Internal Driveways		No works are proposed to the existing garage and internal driveway.	N/A
B6.3 Off-Street Vehicle Parking Requirements	2 spaces (minimum)	3 spaces	Yes
B8.1 Construction and Demolition – Excavation and Fill			Yes
B8.3 Construction and Demolition – Waste Minimisation			Yes
B8.4 Construction and Demolition – Site Fencing and Security			Yes
C1.1 Landscaping	<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.</p> <p>At least 2 canopy trees are to be provided in the front yard and 1 in the rear yard.</p> <p>At least 60% of the setback between the front boundary and any built structures is to be landscaped.</p>	<p>Existing vegetation is to remain on the site.</p> <p>There is insufficient space to provide 2 canopy trees within the front yard.</p> <p>The proposed additions span an existing landscaped area forward of the existing dwelling. The landscaped area is to be retained and landscaped accordingly.</p>	<b>No</b> See discussion.
C1.2 Safety and Security			Yes
C1.3 View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposed development will not result in any unreasonable impacts upon views.	Yes
C1.4 Solar Access	3 hours of direct sunlight to the main private open space and windows of principal living areas between 9am and 3pm in mid-winter.	Sunlight to the proposed development is maximised and a reasonable level of solar access is maintained to neighbouring properties.	Yes See discussion
C1.5 Visual Privacy	Private open space and living rooms of adjoining dwellings	Adequate privacy is maintained and achieved.	Yes See discussion



Clause	Control	Proposal	Compliance
	are to be protected from direct overlooking.		
C1.6 Acoustic Privacy			Yes
C1.7 Private Open Space			Yes
C1.12 Waste and Recycling Facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	The application is accompanied by a Waste Management Plan demonstrating consistency with Council's Waste Management Guidelines.	Yes
C1.13 Pollution Control			Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulation.	The proposed swimming pool is designed in accordance with the Swimming Pools Act and Regulation.	Yes
C1.23 Eaves			Yes
D12.1 Character as Viewed from a Public Place	Walls without articulation shall not have a length greater than 8 metres to any street frontage.  Carparking to be setback behind the primary building line.	The proposed development is well articulated, with no walls exceeding 8m in width presenting to the street.  The existing garage is located forward of the primary building, with the proposed works ensuring a more integrated design solution.	Yes
D12.3 Building Colours and Materials		The materiality of the proposed development will be consistent with the existing dwelling.	Yes
D12.5 Front Building Line	10m	3.3m	<b>No</b> See discussion

Clause	Control	Proposal	Compliance
D12.6 Side and Rear Building Line	Northern side: 2.5m Southern side: 1.0m Rear: FSBL applies	Northern side: 2.5m Southern side: 1.0m Rear: Pool within foreshore area	Yes
D12.8 Building Envelope	Buildings maintained within a plane projected at 45 degrees from FPL along the side boundary.	Minor protrusion of prescribed envelope along the south-eastern side boundary.	<b>No</b> See discussion
D12.10 Landscaped Area – Environmentally Sensitive Land	671m <sup>2</sup> or 60%	524m <sup>2</sup> or 47%	<b>No</b> See discussion
D12.24 Scenic Protection Category One Area			Yes

#### Clause A4.12 Palm Beach Locality

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

- The dwelling house contributes to the existing low-density residential area.
- The dwelling house is limited to two storeys in height in any one place, integrated with the landform and landscaping.
- The height of the two storey dwelling house will remain below the height of the existing and proposed tree canopy.
- The design of the proposed dwelling house is a highly considered and sensitive response to the positive attributes and constraints of the site.
- The proposed development is appropriately articulated and incorporates shade elements in order to reduce the visual impact of the development.
- The proposed development has been designed to be safe from hazards that affect the site.

#### Clause C1.1 Landscaping

Clause C1.1 of P21 DCP prescribes that at least 2 canopy trees are to be provided within the front yard. Whilst the application is inconsistent with this requirement, the proposed development provides for the enhancement of landscaping within the rear yard, with 4 new canopy trees demonstrated on the Landscape Plan by Walter Barda Design that accompanies this application.

It is also noted that the proposed development will be inconsistent with the requirement of this clause that prescribes that 60% of the front setback is to be landscaped. However, the proposed

development does not alter the landscaped treatment of landscaped area calculation of the front setback, with the existing landscaped area to be maintained below the upper floor addition.

The proposed built form will be appropriately softened and complemented by landscaping, and existing vegetation on the site is to be retained and enhanced. The proposed development is consistent with the objectives of this control, and as such, the minor non-compliance is considered to be readily supportable on merit.

#### **Clause C1.4 Solar Access**

Clause C1.4 of P21 DCP prescribes that a minimum of 3 hours of sunlight is to be maintained to the main private open space and windows to the principal living area of adjoining dwellings between 9am and 3pm in mid-winter.

The proposed additions will result in additional overshadowing of the adjoining property at 1013 Barrenjoey Road during mid-winter. However, the additional overshadowing is primarily limited to the garage, and will not result in any additional overshadowing of windows associated with living areas of primary areas of private open space.

The proposed development is consistent with the outcomes and requirements of clause C1.4 of P21 DCP.

#### **Clause C1.5 Visual Privacy**

Clause C1.5 of P21 DCP prescribes that private open space and living rooms of adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation.

The proposed development has been skilfully designed to maximise privacy, both for occupants of the subject site and neighbouring properties, with the windows associated with the new additions oriented centrally to the site or towards the street.

The proposed development will not result in any unreasonable impacts upon adjoining or nearby properties with regard to visual privacy, and the proposed development is consistent with the requirements and outcomes of this clause.

#### **Clause D12.5 Front Building Line**

The proposed upper floor additions are proposed to be located 3.29m from the front boundary, inconsistent with the 10m setback prescribed by this control. However, it is noted that the works will ultimately be located in excess of 14m from the roadway of Barrenjoey Road, screened by dense vegetation located between the subject site and the roadway.

The proposed works are sited in a contextually appropriate manner, that is responsive to the individual circumstances of this site. The proposed setback is supportable on merit, as the outcomes of the front building line control are otherwise achieved, as follows:

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

Comment: As detailed above, the proposed development is consistent with the desired future character of the Palm Beach Locality.

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

Comment: The portion of the development forward of the front building line will not result in any adverse impacts upon views.

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

Comment: Despite the non-compliant front setback, the proposed development achieves sufficient spatial separation from the main road by virtue of the shared driveway that runs adjacent to the main road and the significant vegetation between the main road and the subject site.

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

Comment: The proposed development will be screened by existing significant vegetation within the road reserve and will not be readily visible from Barrenjoey Road.

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

Comment: The application does not alter vehicle manoeuvring at the site.

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

Comment: The proposed development will not result in any adverse impacts upon the landscaped character of the Palm Beach Locality. The proposed works forward of the front building line will not be readily visible from the street, with the dense landscape along the roadway maintained.

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

Comment: The proposed development will be screened by existing significant vegetation within the road reserve and will not be readily visible from Barrenjoey Road. The proposed works within the front setback are limited to two storeys and are maintained well below the height of nearby and surrounding tree canopy.

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

Comment: The proposed development is a skilful architectural design that is appropriately responsive to the context of the site. Whilst not readily visible from Barrenjoey Road, the

architect has designed a high-quality development that aligns with the setbacks and scale of the adjoining development and the architectural form of the existing dwelling.

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

Comment: Despite being located forward of the 10m minimum setback prescribed by this control, the proposed upper floor additions generally align with the two storey dwelling on the adjoining site to the north-west. Further, the proximity of the proposed development is not dissimilar to setbacks of dwellings on surrounding and nearby properties within the visual catchment of the subject site, including those dwellings at:

- 1027 Barrenjoey Road
- 1029 Barrenjoey Road (to Iluka Road)
- 1031 Barrenjoey Road
- 2 Iluka Road
- 4 Iluka Road
- 6 Iluka Road
- 8 Iluka Road
- 10 Iluka Road

It is noted that these examples are highly visible from the public domain, which cannot be said in relation to the subject site.

### Clause D12.8 Building Envelope

Clause D1.11 of P21 DCP prescribes that buildings are to be maintained within a plane projected at 45 degrees from a height of 3.5 metres above existing ground levels along the side boundaries, or above the FPL on flood affected sites.

A minor portion of the south-western side elevation protrudes beyond the prescribed envelope, as shown in Figure 9. The non-compliance does not attribute to any unreasonable impacts upon the amenity of the adjoining property or excessive bulk and scale and does not detract from consistency with the outcomes of the building envelope control. As such, the minor non-compliance is considered to be reasonably supported on merit.

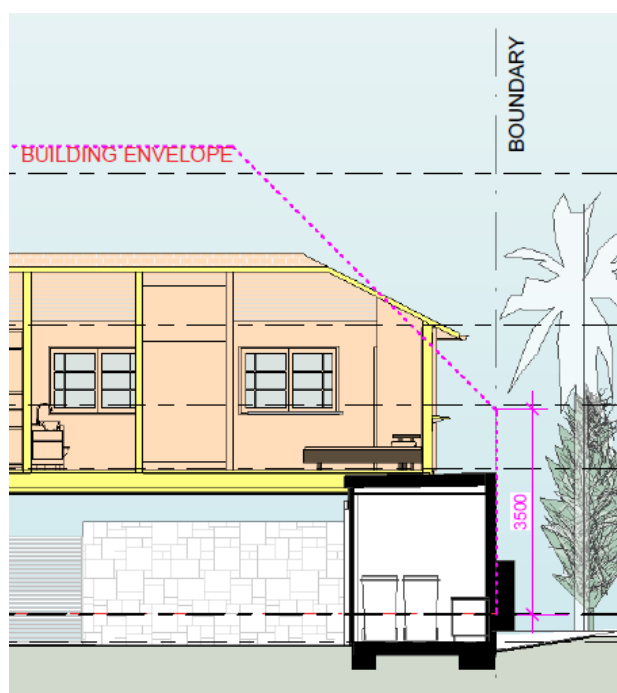


Figure 9 –Extract of Section A  
Source: Walter Barda Design

### **Clause D12.10 Landscaped Area – Environmentally Sensitive Land**

Clause D12.10 of P21 DCP prescribes a minimum landscaped area calculation of 60% of the total site area. The proposed development achieves a landscaped area of 47% of the total site area, inclusive of permitted variations.

Despite non-compliance, the proposed upper floor additions and in-ground swimming pool do not detract from consistency with the outcomes of the landscaped area control, as follows:

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

Comment: As detailed above, the proposed development is consistent with the desired future character of the Palm Beach Locality.

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

Comment: The majority of the additional hard surfaces proposed are associated with the in-ground swimming pool, which does not attribute to excessive bulk or scale. Further, whilst the proposed upper floor additions will not be readily from the public domain, the resultant development is well articulated and is of a scale that is commensurate with surrounding and nearby dwellings.

- *A reasonable level of amenity and solar access is provided and maintained.*

Comment: The proposed development maintains existing high levels of amenity for occupants of the subject site and adjoining properties.

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

Comment: The application proposes the enhancement of landscaping across the site, to assist in reducing the visual impact of the resultant development as seen from the waterway. Extensive vegetation within the road reserve is to remain and will continue to screen the dwelling from view as seen from Barrenjoey Road.

- *Conservation of natural vegetation and biodiversity.*

Comment: The proposed development does not result in the removal of existing canopy trees or significant vegetation.

- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

Comment: The application is supported by Stormwater Management Plans by NB Consulting Engineers demonstrating a suitable stormwater management solution for the site, consistent with Council's Water Management Policy.

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

Comment: The proposed development maintains the existing landscaped character of the Palm Beach Locality.

- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

Comment: Soft surfaces are maintained below the upper floor addition to assist with water infiltration. The application is supported by Stormwater Management Plans by NB Consulting Engineers demonstrating a suitable stormwater management solution for the site, consistent with Council's Water Management Policy.

## *conclusion*

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

The proposal involves non-compliance with the front setback, building envelope and landscaping controls of P21 DCP. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved.

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



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