



statement of environmental effects



NEW SECONDARY DWELLING

20 SUNRISE ROAD
PALM BEACH NSW 2108

October 2024

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of John Daubney to accompany the lodgement of a development application for the construction of a secondary dwelling at 20 Sunrise Road, Palm Beach (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by Waterview Surveying Services
- Plans by Northern Beaches Drafting
- Geotechnical Report by White Geotechnical
- Stormwater Management Plans by Civil Structural Engineering Design Services
- BASIX Certificate by Sydney Town Planning
- Waste Management Plan by Northern Beaches Drafting
- Clause 4.6 Request by Northern Beaches Planning

site details

The site is legally identified as Lot 140 in Deposited Plan 11552, and is commonly referred to as 20 Sunrise Road, Palm Beach. The site is slightly irregular in shape, with a 19.8m wide frontage to Sunrise Road to the west, a 19.505m wide frontage to Ocean Road to the east, a maximum depth of 56.435m and a total area of 1060m².

The site falls from the upper frontage at Sunrise Road down to the lower frontage at Ocean Road. A multi-storey dwelling house is situated at the highest part of the site, fronting Sunrise Road. Vehicular access is gained from Sunrise Road, with pedestrian access from both street frontages. The site contains a number of rock outcrops, existing canopy trees and native vegetation.

Dwelling houses adjoin the site to the north and south, stepping down the slope in response to the fall of the land. Surrounding and nearby dwelling houses are typically two-three storeys in height, are of varying age and character, and are oriented towards available views to Palm Beach, Barrenjoey Headland and the ocean.

Ocean Road separates the subject site from Palm Beach to the east. Ocean Road is a two-lane local road, with intermittent indented parking bays on the eastern side of the street and no stopping along the western side of the street. A large rock outcrop is located within the road reserve on the opposite side of the street.

Aerial images of the site and its surrounds is provided in Figures 1 and 2. Images of the site, the existing dwelling and the streetscape are also provided on the following pages (Figure 3-7).



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



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



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



Figure 4 – The existing access stairs (to be relocated to facilitate the proposal)
Source: NBP

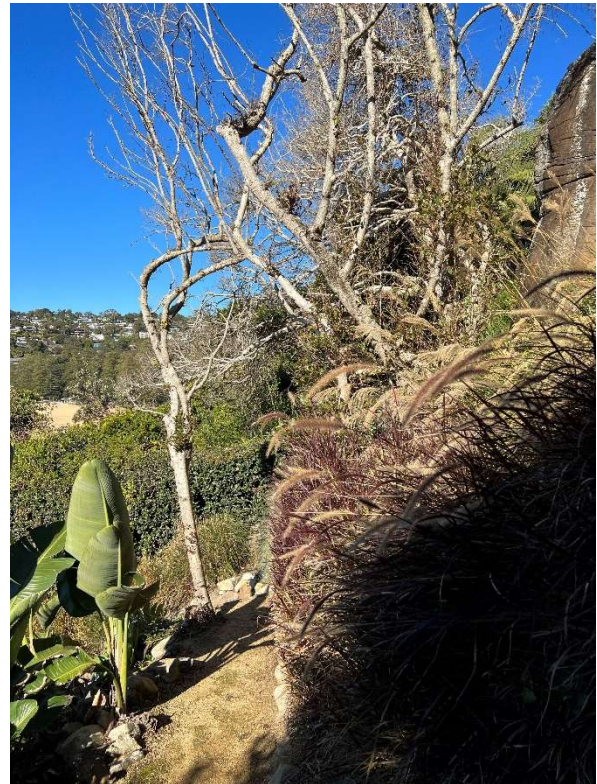


Figure 5 – The approximate location of the proposed secondary dwelling
Source: NBP



Figure 6 – Development along Ocean Road to the north of the site
Source: NBP



Figure 7 – Development along Ocean Road to the south of the site
Source: NBP

proposed development

The application seeks consent for the construction of secondary dwelling at the site. Specifically, the works include:

- Construction of a two-bedroom secondary dwelling,
- Installation of an inclinor
- External access stairs, and
- Stormwater infrastructure.

legislation, plans and policies

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 (Sustainable Buildings) 2022
- State Environmental Planning Policy (Resilience and Hazards) 2021
 - Coastal Use Area
 - Coastal Environment Area
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
 - Acid Sulfate Soils Map: Class 5
 - Lot Size Map: 700m²
 - Land Zoning Map: C4 Environmental Living
 - Height of Buildings Map: 8.5m
 - Geotechnical Hazard Map: H1
 - Coastal Risk Planning Map: Wave Inundation
- Pittwater 21 Development Control Plan (**P21 DCP**)
 - Palm Beach Locality
 - Landscaped Area 1

environmental planning and assessment act

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

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

state environmental planning policy (resilience and hazards)

Coastal Hazard

The site is identified as land in the:

- coastal environment area on the Coastal Environment Area Map, and
- coastal use area on the Coastal Use 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 White Geotechnical Group and Stormwater Management Plans by Civil Structural Engineering Design Services, which confirms that the proposed development can be undertaken safely with respect to the geotechnical hazards that apply in relation to the site.

Development on land in the coastal environment area

The application is supported by Stormwater Management Plans by Civil Structural Engineering Design Services that demonstrate the management of stormwater in accordance with Council's Water Management Policy. Further, the supporting Geotechnical Report by White Geotechnical Group confirms that the proposed secondary dwelling will not have an adverse impact upon the geology of the site. The proposed secondary dwelling is sited in an existing clearing to maximise the retention of existing vegetation and to minimise site disturbance. The proposal is wholly maintained within private property, avoiding impacts to the surf zone, rock platforms and public access along the foreshore. 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 in the coastal use area

The proposed secondary dwelling will not impede upon access along the foreshore, will not overshadow the adjacent rock platforms and will not result in the loss of views from public places to foreshores. The secondary dwelling has been designed to integrate with the topography of the site and is sensitively sited to ensure the retention of natural features of the site, ensuring that the visual amenity and scenic quality of the coastline is preserved. When viewed from Palm Beach, the secondary dwelling will be entirely compatible with the bulk and scale of surrounding and nearby dwellings.

The site does not contain any known items of heritage significance and is not located in the vicinity of any. As such, the proposal is unlikely to result in any impacts upon items of Aboriginal or built heritage significance. 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 site is identified within the Wave Inundation area on the Coastal Risk Planning Map of PLEP 2014. Based on the development of adjoining and nearby sites, the Coastal Planning Level in this area is somewhere in the order the 7.3m AHD. The minimum floor level of the proposed secondary dwelling is 24.5m AHD, well above the anticipated level of wave inundation.

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.

*state environmental planning policy
(biodiversity and conservation)*

Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The application does not propose the removal of any trees and is not located in the immediate vicinity of any. Existing vegetation surrounding the proposed secondary dwelling will be maintained to ensure that the landscaped character of the lower portion of the site is maintained. The proposed development is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

*state environmental planning policy
(sustainable buildings)*

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

local environmental plan

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

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

Clause	Standard	Proposal	Compliance
Clause 2.3 Zone objectives and land use table			Yes
Zone C4 Environmental Living			Yes See discussion
4.3 Height of buildings	5.5m	7.5m	No See discussion
4.6 Exceptions to development standards			Yes
5.4 Controls relating to miscellaneous permissible uses	60m ²	60m ²	Yes
7.1 Acid sulfate soils	Class 5		Yes
7.2 Earthworks			Yes
7.5 Coastal Hazard			Yes See discussion
7.7 Geotechnical hazards			Yes See discussion
7.10 Essential services			Yes

Zone C4 Environmental Living

The site and the adjacent road reserve is zoned C4 Environmental Living (**C4 zone**) under the provisions of PLEP 2014. Pursuant to the land use table in Part 2 of this instrument, secondary dwellings are permissible with consent.

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

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

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

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

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

- The proposed secondary dwelling is responsive to the context and character of the surrounding locality, with a form and scale that is compatible with that of neighbouring and nearby buildings.
- The secondary dwelling is highly articulated, with varied floor levels and roof forms in response to the very specific features of the site.
- The footprint of the proposed development has been appropriately minimised and is located within a part of the site that is comparably level and free of any significant vegetation.
- The structural design and construction methodology of the secondary dwelling has been carefully considered to minimise site disturbance and to ensure against impacts beyond the footprint of the building.
- With the exception of minor excavation to accommodate a level area of private open space at the north-west corner of the proposal, the secondary dwelling is of post and beam construction and will sit lightly on the site.
- Varied materiality that reflects the coastal seaside location and harmonises with the natural environment is incorporated into the design to further assist in reducing the bulk and scale of the development and to achieve consistency with the desired future character prescribed for the Palm Beach locality.
- The site is not identified on the Biodiversity Map of PLEP 2014 and is not identified to contain vegetation of special ecological significance. Nonetheless, no tree removal is proposed.

Clause 4.3 Height of buildings

The site is identified within Area I of the Height of Buildings Map of PLEP 2014. Pursuant to the provisions of 4.3(2) of PLEP 2014, the height of buildings within this area shall not exceed 8.5m. However, despite subclause (2), subclause (2FA) of clause 4.3 of PLEP 2014 limits the height of a detached secondary dwelling on land within the C4 Environmental Living zone to 5.5m. The proposed secondary dwelling breaches the 5.5m height limit at the south-eastern corner of the roof, with a

maximum height of 7.5m. The application is accompanied by a request made pursuant to clause 4.6 (Exceptions to development standards) of PLEP 2014 in this regard.

Clause 7.5 Coastal hazard

The site is identified within the Wave Inundation area on the Coastal Risk Planning Map of PLEP 2014. Based on the development of adjoining and nearby sites, the Coastal Planning Level in this area is somewhere in the order the 7.3m AHD. The minimum floor level of the proposed secondary dwelling is 24.5m AHD, well above the anticipated level of wave inundation.

Council can be satisfied of the matters prescribed by clause 7.5(3) of PLEP 2014 in that the development –

- a. is not likely to cause detrimental increases in coastal risks to other development or properties, and
- b. is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
- c. incorporates appropriate measures to manage risk to life from coastal risks, and
- d. is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and
- e. provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and
- f. has regard to the impacts of sea level rise, and
- g. will have an acceptable level of risk to both property and life, in relation to all identifiable coastline hazards.

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 White Geotechnical Group that addresses the matters prescribed by clause 7.7(3) of PLEP 2014. Further, the application is supported by Stormwater Management Plans by Civil Structural Engineering Design Services 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.

development control plan

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

Clause	Control	Proposal	Compliance
A1.7 Considerations before consent is granted	Have regard for the matters for consideration under section 4.15 of the EP&A Act.	The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above).	Yes
A4.12 Palm Beach Locality			Yes See discussion
B1.3 Heritage Conservation – General			Yes
B1.4 Aboriginal Heritage			Yes
B3.1 Landslip Hazard	Development is to comply with Council's <i>Geotechnical Risk Management Policy for Development in Pittwater 2009</i> .	The application is supported by a Geotechnical Report prepared by White Geotechnical Group.	Yes
B3.3 Coastline (Beach) Hazard	Development is to comply with Council's <i>Geotechnical Risk Management Policy for Development in Pittwater 2009</i> .	The floor levels of the proposed development are well above the likely Coastal Planning Level.	Yes
B3.6 Contaminated Land and Potentially Contaminated Land			Yes
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land	Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees.	The proposed removal of exempt canopy trees will be offset by compensatory planting of locally native species, to ensure the enhancement of landscaping across the site and the adjacent road reserve.	Yes
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance	The application is supported by Stormwater Management Plans prepared by Civil Structural	Yes

Clause	Control	Proposal	Compliance
	with Council's Water Management for Development Policy.	Engineering Design Services, which demonstrate consistency with Council's Water Management Policy.	
B6.1 Access Driveways and Works on the Public Road Reserve		No change to existing driveway crossing.	N/A
B6.2 Internal Driveways			N/A
B6.3 Off-Street Vehicle Parking Requirements	Secondary dwelling: 1 space	A parking space is not proposed in conjunction with the proposed secondary dwelling.	No See discussion
B8.1 Construction and Demolition – Excavation and Fill			Yes
B8.3 Construction and Demolition – Waste Minimisation			Yes
B8.4 Construction and Demolition – Site Fencing and Security			Yes
B8.5 Construction and Demolition – Works in the Public Domain			N/A
C1.1 Landscaping	All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. At least 2 canopy trees are to be provided in the front yard and 1 in the rear yard.	No tree removal is proposed. The site is highly vegetated, with no changes to existing landscaping surrounding the proposed works.	Yes
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 secondary dwelling has been sensitively designed in response to the context of the site. With a maximum RL of 30.88m AHD, the proposal will sit well below the levels of neighbouring dwellings to ensure that	Yes

Clause	Control	Proposal	Compliance
		views are maintained over the building.	
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.	The application is supported by Solar Access Diagrams by Northern Beaches Drafting, which confirm that the proposed development will not result in any adverse impacts upon adjoining properties with regards to solar access, with no overshadowing of the main area of private open space of the property to the south. Council can be satisfied that both the proposed new secondary dwelling and the existing dwelling will receive in excess of 3 hours of sunlight to living room windows and the primary area of private open space between 9am and 3pm in midwinter.	Yes
C1.5 Visual Privacy	Private open space and living rooms of adjoining dwellings are to be protected from direct overlooking.	High levels of visual privacy are afforded to future occupants of the proposed secondary dwelling and neighbouring properties. The proposed new secondary dwelling is sited well below primary dwelling and the neighbouring dwellings, with no opportunities for direct overlooking.	Yes
C1.6 Acoustic Privacy			Yes
C1.7 Private Open Space			Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.	The proposed secondary dwelling contains 2 bedrooms and 1 bathroom.	Yes

Clause	Control	Proposal	Compliance
	Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.	The proposed secondary dwelling is limited to one storey in height.	
C1.12 Waste and Recycling Facilities	All development must comply with the appropriate sections of the Waste Management Guidelines and must be accompanied by a Waste Management Plan	The application is accompanied by a Waste Management Plan demonstrating consistency with Council's Waste Management Guidelines.	Yes
C1.13 Pollution Control			Yes
C1.19 Incline Passenger Lifts and Stairways	<p>Inclinators shall:</p> <ul style="list-style-type: none"> • be set back two (2) metres from the side boundary to the outer face of the carriage, • be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees, • be erected as near as possible to ground level (existing) and shall not involve the erection of high piers or visible retaining structures. 	<p>Min. side setback: 3.2m</p> <p>The proposed inclinator rail has been designed to follow the slope of the land, with minimal site disturbance.</p>	Yes
D12.1 Character as Viewed from a Public Place	<p>Buildings which front the street must have a street presence and incorporate design elements that are compatible with any design themes for the locality.</p> <p>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</p> <p>Landscaping is to be integrated with the building design to screen the visual impact of the built form.</p>	<p>The proposed development is well articulated, with no walls exceeding 8m in width presenting to the street.</p> <p>The proposal will not be readily perceived by people moving past the site and will be secondary to landscaping as seen from the beach and adjacent reserve.</p>	Yes

Clause	Control	Proposal	Compliance
D12.3 Building Colours and Materials		The proposed secondary dwelling is to be finished dark and earthy tones, as demonstrated on the accompanying Schedule of Colours and Finishes.	Yes
D12.5 Front Building Line	10m	11.5m	Yes
D12.6 Side and Rear Building Line	North: 2.5m South: 1.0m	North: 1.0m South: 1.0m Whilst the external wall of the secondary dwelling is setback at a minimum distance of 4.2m from the northern side boundary, the proposed deck is non-compliant with the 2.5m minimum setback prescribed. The non-compliance is limited a 3.5m wide portion of the deck, which provides for a more functional and usable area of private open space for occupants of the proposed secondary dwelling. The non-compliance does not result in any adverse impacts upon the amenity of neighbouring properties and is offset by greater than required side setbacks for the remainder of the northern elevation of the secondary dwelling. The deck will be screened from view by surrounding vegetation and does not contribute to excessive bulk or scale.	No
D12.8 Building Envelope	Buildings maintained within a plane projected at 45 degrees	North: Within envelope. South: Beyond Envelope.	No See discussion

Clause	Control	Proposal	Compliance
	from existing ground level along the side boundary.	A minor portion of the southern façade protrudes beyond the prescribed envelope.	
D12.10 Landscaped Area – Environmentally Sensitive Land	60%	60%, see Landscape Area Plan (DA14).	Yes
D12.13 Construction, retaining walls, terracing and undercroft areas			Yes
D12.14 Scenic Protection Category One Area			Yes

Clause A4.12 Palm Beach Locality

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

- The proposed secondary dwelling is to be established in conjunction with the existing principal dwelling to encourage additional opportunities for more compact and affordable housing.
- The proposed secondary dwelling has been carefully sited and designed to ensure that any environmental impacts are appropriately minimised.
- The height of the proposed secondary dwelling is maintained below surrounding tree canopy.
- The proposed development is appropriately articulated and incorporates shade elements in order to reduce the visual impact of the development.
- The proposed materiality of the secondary dwelling will harmonise with the natural environment.
- The proposed development has been designed to be safe from hazards that affect the site.
- A balance is achieved between maintaining landforms, landscaping and other features of the natural environment and the development of the land. In particular, the proposed secondary dwelling is sited in a comparably level part of the site that is free of any significant vegetation.
- Locally native tree canopy is retained, with additional landscaping proposed to enhance vegetation on the site.

Clause B6.3 Off-Street Vehicle Parking Requirements

In accordance with the provisions of B6.3 of P21 DCP, a minimum of 1 parking space is required in addition to existing requirement for the principal dwelling for a secondary dwelling. The application does not provide a third off-street parking space in association with the proposed secondary dwelling, resulting in non-compliance with this development control.

However, clause B6.3 of P21 DCP provides a series of expressed variations to the minimum parking requirements prescribed, including:

- *A reduction in the car parking requirements for a secondary dwelling or dual occupancy to a minimum of 2 spaces per allotment may be considered on merit.*
- *On steeply sloping sites, car parking solutions may need to be negotiated for each individual site.*
- *The provisions for car parking on the steepest sloping sites may be waived, subject to the merit consideration for each case.*

In consideration of the circumstances of the site, each of the variations identified above are reasonably applied to the site and the provision of off-street parking should be reasonably considered on merit.

The site is located in close proximity to bus stops serviced by the 199 bus service and future occupants will also be able to rely upon the Keoride public transport service to connect to Avalon Town Centre, Mona Vale Town Centre and Warriewood Square. The site is also in close proximity to a variety of on-street public parking spaces and public car parks, which can be used if future occupants of the secondary dwelling have a vehicle.

With this in mind, the lack of a third parking space is not considered to warrant the refusal of the application.

Clause D12.8 Building Envelope

Clause D12.8 of P21 DCP prescribes that buildings are to be maintained within a plane projected at 45 degrees from a height of 3.5 metres above existing ground levels along the side boundaries. The proposed secondary dwelling protrudes beyond the prescribed envelope on the southern side elevation, as demonstrated in the Plans by Northern Beaches Drafting.

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

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

Comment: The portions of the dwelling that protrude beyond the building envelope do not detract from consistency with the desired future character of the Palm Beach locality.

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

Comment: The proposed secondary dwelling is setback in excess of 10m from the street and more than 20m above the level of the roadway, and the existing landscaped character of the Ocean Road frontage is maintained. The proposed secondary dwelling will sit well below the height of surrounding and nearby trees and is of a scale that is secondary to that of surrounding and nearby built form.

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

Comment: The proposed secondary dwelling has been designed to follow the natural fall of the land, with a stepped floor plate and a roof form that replicates the slope of the site. The non-compliance at the south-eastern corner is largely attributed to the post and beam construction methodology proposed, which has intentionally been chosen to minimise site disturbance, avoid excessive excavation and allow for the retention of the topography of the site.

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

Comment: The resultant dwelling building is well articulated, with varied setbacks and materiality to actively minimise the visual impact of the development.

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

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

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

Comment: The building envelope non-compliance will not result in any unreasonable impacts upon the amenity of neighbouring buildings with respect to solar access or privacy. In particular, it is noted that despite the proposed non-compliance, the proposed secondary dwelling is maintained well below the levels of both neighbouring dwellings.

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

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

conclusion

The proposal is a well resolved and considered design solution for the site, which has high regard for the amenity of adjoining properties and the 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 results in non-compliance with the maximum building height development standard prescribed by PLEP 2014 for detached secondary dwellings. However, as demonstrated in the accompanying request made pursuant to clause 4.6 of PLEP 2014, strict compliance with the building height standard is considered to be unreasonable and unnecessary in the circumstances of this proposal, as the development is otherwise consistent with the objectives of the building height development standard and the C4 Environmental Living zone.

The proposal also involves minor areas of non-compliance with the off-street parking, building envelope, and side setback 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.



Rebecca Englund

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Director | Northern Beaches Planning

northern beaches planning