

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Demolition of existing  
structures and construction  
of a new dwelling and  
swimming pool**

**32 The Strand, Whale  
Beach**

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**RESPONSIBLE FOR THIS REPORT:**

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**August 2019**

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# 1 Introduction

## 1.1 Overview

This report accompanies and supports a Development Application (DA) for demolition of existing structures and construction of a new dwelling at 32 The Strand, Whale Beach.

Shaun Lockyer Architects has responded to the client's brief with an exceptional design that is responsive to the prevailing site conditions and planning objectives for the locality. The proposal involves a contemporary, site specific building design that is responsive to the topography, micro-climatic conditions, Pre-DA lodgement consultation, and the beachside development context.

The design provides appropriate 'soft' landscaped garden and integrated recreational areas within the proposed dwelling footprint, appropriately connected to the main living spaces but also appropriately separated to maintain privacy to neighbouring properties and the adjacent residential developments.

The bulk of the design is minimised through its low-profile roof and terraced building levels (to the rear) responsive to the site topography and the position of neighbouring dwellings to each side. The presentation of the design is enhanced by a limited pallet of high-quality, durable materials that are suited to this coastal location. The property's streetscape interface is also complemented by an improved landscape quality, with endemic coastal plants to soften each of the property's street frontages.

The proposed building has been influenced by the sloping, east facing topography, street frontage character, orientation of the block, planning control parameters, and the prevailing zoning provisions. In response to these considerations:

- The design's Whale Beach Road frontage aligns with the streetscape character to make use of the existing frontage and established development alignment.
- The proposed building form has been strongly defined architecturally to step-down the site, responsive to the topography; views to the east, and the desire to reinforce the 'low profile' streetscape character along the eastern side of Whale Beach Road.
- The scale of the development is appropriate given the appropriate building footprint proposed (relative to the site area and adjoining development) and its generous boundary setbacks.

Overall, it is assessed that the design has been customised to fit within the identified site parameters and will harmonise with the established and anticipated development character.

The property can accommodate the proposal without any significant or unreasonable impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal has been designed in response to the development context and represents appropriate improvements to the land.

## **1.2 Pre-lodgement Meeting**

A Pre-DA lodgement meeting (PLM2018/264) was held on 22 November 2018 with Council planning officers to discuss key issues associated with the proposed redevelopment of the site.

This application has been prepared in response to the matters discussed at the pre-lodgement meeting and the report issued by Council. A number of modifications to the design have resulted from the advice provided at the meeting. In summary the following changes are noted:

- Vehicle access changed from The Strand to Whale Beach Road
- Car parking - number of cars reduced to from 4 to 2
- Rear setback increased to approx. 23m from the RE1 zoned land and 29m from the land's eastern (rear) boundary
- Front setback increased to the garage from approx. 1m to 5.1m
- Height reduced from 4 levels to 3; and a maximum of 9.850m at the eastern side of the proposed dwelling
- Building bulk – significantly reduced by the reduced height, increased setbacks and landscaped area
- Landscape open space – area increased to meet and exceed the 60% requirement and the calculation based on the site area excluding the eastern section of allotment zoned RE1 Public Recreation
- Building footprint and excavation extent reduced
- Proposed lift removed

Other issues are addressed within this report and the documentation accompanying the proposal.

## **1.3 Statement of Environmental Effects**

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

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

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

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

## **1.4 Supporting documentation**

The proposal is also accompanied and supported by the following expert inputs:

- Architectural plans – Shaun Lockyer Architects
- Shadow diagrams – Shaun Lockyer Architects
- Materials and finishes schedule – Shaun Lockyer Architects
- Photo montages – Shaun Lockyer Architects
- Landscape Concept plan– Shaun Lockyer Architects
- Detail land survey – Stutchbury Jaques land surveyors
- Statement of Environmental Effects – BBF Town Planners
- Stormwater and hydraulic (plans and report) – Stellen Consultants Engineer
- Geotechnical assessment report – White Geotechnical
- Arboriculture assessment report – Urban Forestry Australia
- Flooding assessment report – Peter Horton Engineer
- Coastal assessment report – Peter Horton Engineer
- Stormwater plans and title details – relating to stormwater main on adjoining land
- BASIX report – Building Sustainability Assessments

## 2 Site Analysis

### 2.1 Site Description

The site is located 32 The Strand, Whale Beach. It is legally described as Lot 70 in Deposited Plan 11067. The site has an area of 1,105m<sup>2</sup>. The site has frontages to both The Strand and Whale Beach Road. The site is irregularly shaped with dimensions as follows:

- Northern, side boundary of 63.385m
- Southern, side boundary of 57.53m
- Eastern, rear boundary of 18.29m (vehicle access to The Strand)
- Western, front boundary of 19.13m (vehicle access to Whale Beach Road)

### 2.2 Features of the site and its development

The existing development at 32 The Strand, Whale Beach comprises:

- Small, fibro clad cottage with pitched terracotta tile roof with transverse ridge at RL 21.530. The dwelling is located within the western portion of the site, with a balcony to the eastern side. The development occupies a small development footprint within a landscaped setting.
- Vehicle access is from Whale Beach Road, along the northern side of the property with car parking hard-stand close to Whale Beach Road.
- A trunk stormwater pipeline is located adjacent to the site within the boundary of number 237 Whale Beach Road as confirmed by the terms of the easement under DP1141047B a copy of which accompanies the DA.

The key features of the site and its development include:

- The land is characterised by steeply sloping topography, most notably within the western portion of the site. The land slopes significantly from the Whale Beach Road frontage down to the east, with a level difference of approximately 14.13m between Whale Beach Road and the lowest level within the rear of the property (approximately RL20 to RL 5.87). The land also has a 'crossfall' sloping from its northern to its southern side, in some locations upto approx. 2 metres.
- The site has a slope that ranges from moderate at the eastern end to steep towards the west, displaying grades up to approximately 27 degrees- between 51 to 55%, to the rear of the existing dwelling and where the proposed dwelling is positioned.
- The site and the adjoining properties have a west to east orientation to The Strand, which also form the car parking area to Whale Beach.
- The property is set within a developed hillside location that enjoys eastly views over Whale Beach and the Pacific Ocean.
- Figures below depict the character of the property and its existing development.



## 2.3 Zoning and key environmental considerations

The property is affected by 2 zones. The majority (western portion) is zoned E4 Environmental Living; the smaller eastern section is zoned RE1 Public Recreation. The smaller eastern section is also affected by a regional open space land reservation. These zoning affectations apply under the Pittwater Local Environmental Plan 2014 (LEP). The area of the allotment that is zoned RE1 Public Recreation is approx. 222m<sup>2</sup>, and the area of the E4 zoned land is 883m<sup>2</sup>, which comprises approximately 20% of the site area.

The site is not affected by key environmental considerations like, for example heritage, riparian, waterways, and bushfire prone land.

The property is affected by a foreshore building line, acid sulfate soils (class 5), geotechnical risk / coastal hazard, coastal flooding and terrestrial biodiversity. These matters are addressed within section 5 of this report.

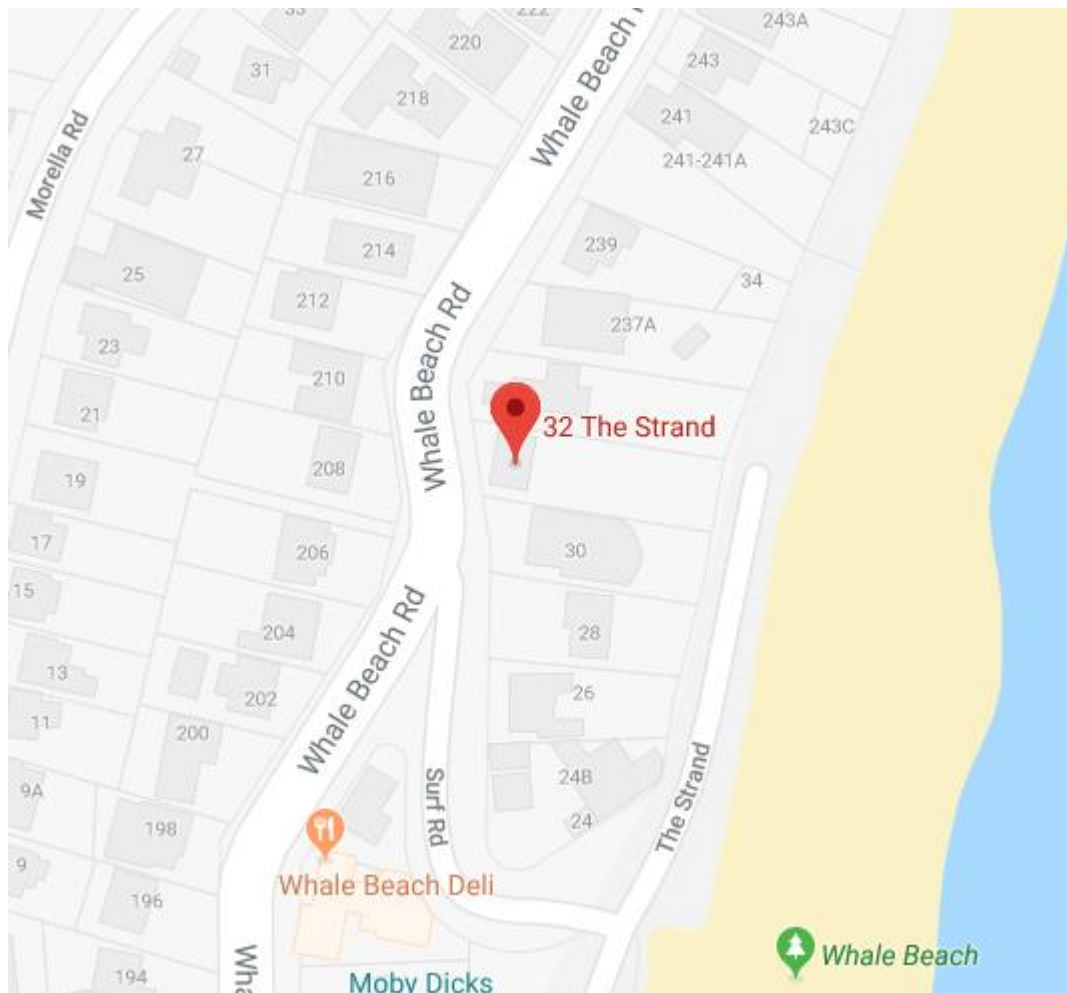


Figure 1 – Location of the site within its wider context (courtesy Google Maps)



**Figure 2 – Location of the site; alignment, orientation and spatial layout of the subject site and adjoining dwellings (courtesy Six Maps)**



**Figure 3 – Site and existing cottage as viewed from the east**





**Figure 4 - Site and existing cottage as viewed from the east**



**Figure 5 – existing dwelling streetscape view**



**Figure 6– existing driveway and car parking, subject site and adjacent dwelling to the west as viewed from Whale Beach**



**Figure 7– existing streetscape character as viewed from Whale Beach Road**





**Figure 8 –driveway of the subject site and the neighbouring property at 237 Whale Beach Rd**



**Figure 9 – neighbouring property at 237 Whale Beach Rd**





**Figure 10 – streetscape character looking west along the eastern side of Whale Beach Rd**



**Figure 11– neighbouring property to the south as viewed from The Strand**



**Figure 12 – neighbouring development on the western side of Whale Beach Rd**





**Figure 13 – neighbouring development on the western side of Whale Beach Rd**





**Figure 14 – neighbouring development character to the north**



## 3 Description of Proposed Development

### 3.1 Overview

The application seeks development consent for demolition of existing structures and construction of a new dwelling at 32 The Strand, Whale Beach. The proposed are depicted in the accompanying architectural plans by Shaun Lockyer Architects.

### 3.2 Profile of the proposal

A breakdown of the key aspects of the proposal are noted as follows:

#### **Demolition and site preparatory works**

- Demolition of existing structures
- Excavation

#### **Garage – RL 17.400**

- Dwelling entry – north side
- 2 car garage with vehicle access from Whale Beach Road

#### **Upper level – RL 16.290**

- Void to sunken courtyard
- Master bedroom / walk in robe, ensuite bathroom
- Retreat
- Narrow balcony to rear (east)
- Bin store – south side

#### **Middle level – RL 12.960**

- Kitchen / Open plan living / dining room
- Study
- Swimming pool to east side
- Balcony / Outdoor Living space to rear (east)
- Powder room

**Ground level (upper) – RL 9.630**

- Family / games room
- Pool store

**Ground level (lower) – RL 8.520**

- 3 bedrooms
- 2 bathrooms
- Plant room / outdoor shower
- Laundry

**Landscaping and site works**

- Gatehouse - pedestrian entry
- Retaining walls as marked
- Side access stairs
- Garden areas
- Tree removal as addressed by arboriculture report
- Vegetation planting

### **3.3 Images of the proposed development**



**Figure 16 – photomontage – the proposal's streetscape presentation to Whale Beach Road**





**Figure 17 – photomontage – the proposal's easterly presentation to The Strand**



**Figure 18 – photomontage – the proposal within its hillside development context**

## 4 Environmental Assessment

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

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

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

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

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters is addressed within Section 5 of this report, and the town planning justifications are discussed below.

## 5 Environmental Planning Instruments

### 5.1 Pittwater Local Environmental Plan 2014

The property is affected by 2 zones under the Pittwater Local Environmental Plan 2014 (LEP). The majority (883m<sup>2</sup> western portion of the site) is zoned E4 Environmental Living; a smaller eastern (222m<sup>2</sup> section) is zoned RE1 Public Recreation and is also affected by a Regional open space land reservation; see map excerpts below. These zone affectations apply under the Pittwater Local Environmental Plan 2014 (LEP).



Figure 19 – zoning map excerpt from the Pittwater Local Environmental Plan 2014

The proposal constitutes demolition of existing structures and construction of a new dwelling on the portion of the property that is zoned E4 Environmental Living. No development is proposed by the application within the RE1 Public Recreation zone at the eastern end of the site. The proposal is permitted within this zone with Development Consent.

No matters relating to the physical regional open space land reservation are triggered by the proposal.

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

We have formed the considered opinion that the proposed development is consistent with the zone objectives. The objectives are repeated and responded to as below:

***(a) To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.***

In response –

- Based on the findings of the expert reports that accompany the application in the areas of geotechnical engineering, arboriculture, stormwater, flooding and coastal engineering the land is not identified as having special or unique ecological or scientific qualities. The proposal retains a low impact residential use on the site which does not give rise to any unacceptable ecological or scientific impacts.
- In relation to the site and the proposal's aesthetic values, the application is accompanied by a comprehensive set of architectural plans that include photo montages that consider the topographical and built form context of the site. The proposal involves a contemporary, site specific building design that is responsive to the topography, micro-climatic conditions, and the coastal hillside development context. The proposed building has been influenced by the sloping, east facing topography, street frontage character, orientation of the block, planning control parameters, and the prevailing zoning provisions. In response to these considerations:
  - The design's Whale Beach Road frontage aligns with the streetscape character to make use of the existing frontage and established development alignment.
  - The proposed building form has been strongly defined architecturally to step-down the site, responsive to the topography; views to the east, and the desire to reinforce the 'low profile' streetscape character along the eastern side of Whale Beach Road.
  - The scale of the development is appropriate given the appropriate building footprint proposed (relative to the site area and adjoining development) and its generous boundary setbacks.
  - Overall, it is assessed that the design has been customised to fit within the identified site parameters and will harmonise with the established and anticipated development character.

Based on the above it is concluded that the proposal satisfies objective (a) of the standard.



***(b) To ensure that residential development does not have an adverse effect on those values.***

In response -

- Based on the findings of the expert reports that accompany the application in the areas of geotechnical engineering, arboriculture, stormwater, flooding and coastal engineering the proposed development is not assessed as not having an adverse effect on those values. The proposal retains a low impact residential use on the site which does not give rise to any unacceptable ecological or scientific impacts.

Based on the above it is concluded that the proposal satisfies objective (b) of the standard.

***(c) To provide for residential development of a low density and scale integrated with the landform and landscape.***

In response -

- Being a dwelling house, the proposal will provide a residential development of a low density.
- The proposal's scale has been designed to integrate with the landform noting that it displays a skillion roof that is angled similar to the gradient of the topography and incorporates floor plates that step responsive to the slope of the land. In these ways it is reasonable to expect that a casual observer will see the building form as one that reflects the steep slope of the hillside.
- The proposal is sited within a landscape setting (there being 536 m<sup>2</sup> of landscaped area and 61% of the site area) providing the opportunity for future endemic vegetation and an integrated landform/landscape outcome.

Based on the above it is concluded that the proposal satisfies objective (c) of the standard.

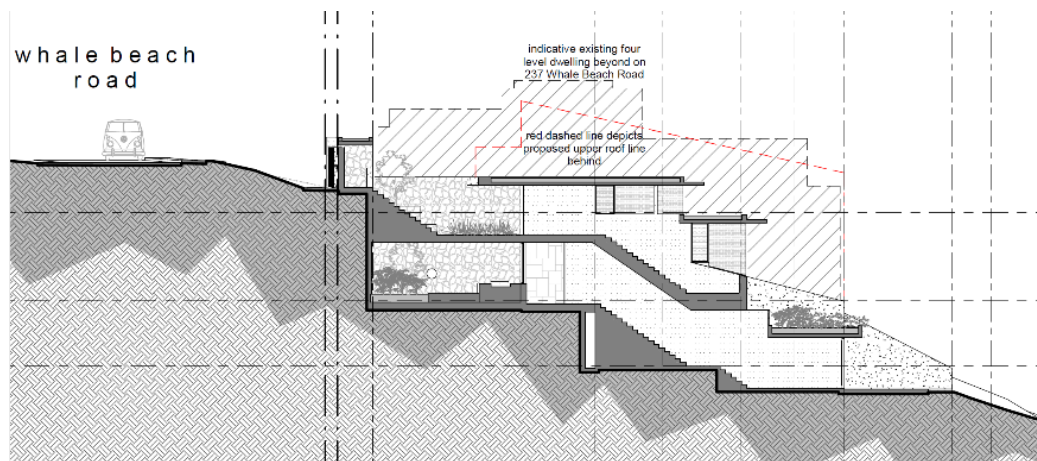
***(d) To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.***

In response -

- The property is not identified as containing riparian, foreshore vegetation, or wildlife corridors. The proposal will not result in the removal of ecologically significant vegetation or habitat. This is confirmed by the conclusions of the arborist's assessment which states:
  - A total of twelve (12) trees were assessed and accorded retention values based on their current health and condition (i.e. their Useful Life Expectancy) and their significance in the landscape.
  - No assessed tree on the site or on adjoining properties was identified as an endangered species.
  - No assessed tree on the site or on adjoining properties was identified as, or associated with, a heritage item.

- The proposal provides a landscaping and deep soil outcome that meets and exceeds the planning controls under the and DCP. The design's landscape setting is complemented by a landscaping plan that will enhance the site to the benefit of future occupants and the surrounding amenity. 536m<sup>2</sup> or 61% of the site is proposed to be landscaped area (exceeding the DCP requirement by 6m<sup>2</sup>), within which the proposed building will be sited.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.



**Figure 20 –section showing terraced level of the proposed design**



**Figure 21 – photomontage (north elevation) showing ground line and angled roof of the proposed design**

## 5.2 Other relevant provisions of the LEP

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

LEP Provision	Response	Complies
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size	700m <sup>2</sup>	Yes
LEP Clause 4.3 – Height of Buildings	Addressed within the section below this table.  The proposal exceeds 8.5m but is not more than 10m. It therefore involves a merit-based assessment for heights exceeding 8.5m but not more than 10m for sites in excess of 30% slope)	Yes*
LEP Clause 4.4 – Floor space ratio		NA
LEP Clause 4.6 – Exceptions to development standards	A clause 4.6 submission (for abundant caution) accompanies the DA in relation to the proposal's height that exceeds 8.5m but is not more than 10m.	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses		NA
LEP Clause 5.10 Heritage Conservation		NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 7.1 Acid sulfate soils	Excavation is proposed above AHD RL 5.00	Yes
LEP Clause 7.2 Earthworks	The siting and design of the proposed development has considered the matters within clause 7.2(3) of the LEP and results in appropriate outcomes against these criteria.  Furthermore, the proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.  Based on the above the proposed development satisfies the coastal planning considerations within clause 7.5 and the site is suitable for the development proposed.	Yes
LEP Clause 7.3 Flood planning	The proposed development has been reviewed by Horton Coastal Engineering. The Engineers have certified that the	Yes

LEP Provision	Response	Complies
	<p>subject site is appropriate for accommodating the proposal. Their key findings are noted as follows:</p> <p><i>'The seaward edge of the proposed development is in the Low Flood Risk Precinct. The proposed Ground Floor Level of 8.5m AHD is well above the Flood Planning Level of 7.1m AHD.</i></p> <p><i>The non-habitable storage enclosure has a floor level at the 1% AEP flood level, and is for the storage of surf craft and the like, so is compatible with the flood hazard of the land as per Item (a). Furthermore, with the measures adopted as outlined in Section 5, items in the enclosure would not be expected to be damaged by flooding in this event.</i></p> <p><i>The proposed development will not significantly adversely affect potential flood affectation of other development or properties as per Item (b).</i></p> <p><i>The proposed floor level is appropriate to manage risk to life from flood as per Item (c). Even if inundated to 0.5m above the 1% AEP flood level, there would be no significant risk to life. The storage enclosure is in a Low Hazard area and Low Flood Risk Precinct.</i></p> <p><i>No significant damage to the proposed development is expected for events up to the 1% AEP event, so:</i></p> <ul style="list-style-type: none"> <li><i>• it will not significantly adversely affect the environment as per Item (d), noting also that it is not in a riparian area;</i></li> <li><i>• it is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding as per Item (e).</i></li> </ul> <p><i>The proposed development therefore complies with Clause 7.3 of PLEP 2014.</i></p> <p>The proposed development satisfies the considerations within clause 7.3 and the site is suitable for the development proposed.</p>	

LEP Provision	Response	Complies
LEP Clause 7.4 Floodplain risk management	<p>The proposed development has been reviewed by Horton Coastal Engineering. The Engineers have certified that the subject site is appropriate for accommodating the proposal. Their key findings are noted as follows:</p> <p><i>Clause 7.4 of PLEP 2014 applies to land between the flood planning level and the level of the PMF, which does apply to the proposed development. However, this Clause does not apply to residential dwelling house development, so the Clause is not applicable.</i></p> <p><i>The proposed development satisfies the requirements of Chapter B3.11 of the Pittwater 21 DCP and Clause 7.3 of Pittwater Local Environmental Plan 2014'.</i></p> <p>Based on the above the proposed development satisfies the considerations within clause 7.4 and the site is suitable for the development proposed.</p>	Yes
LEP Clause 7.5 Coastal risk planning	<p>The proposed development has been reviewed by Horton Coastal Engineering. The Engineers have certified that the subject site is appropriate for accommodating the proposal. They conclude as follows:</p> <p><i>'With the proposed development to be founded on bedrock, coastal erosion/recession is not a credible risk to the proposed development for a planning period beyond 2100 (design life of 81 years). The development would be at an acceptably low risk of damage from coastal inundation and wave runup over a reasonable 60 year design life if the measures outlined in Section 8 are adopted.</i></p> <p><i>The proposed development satisfies the requirements of State Environmental Planning Policy (Coastal Management) 2018 (Clauses 14 and 15), Section 9(2) of the Coastal Management Act 2016, Clause 7.5 of Pittwater Local Environmental Plan 2014, Section B3.3 of the Pittwater 21 DCP and the Coastline Risk Management Policy for Development</i></p>	Yes

LEP Provision	Response	Complies
	<p><i>in Pittwater for the matters considered herein'.</i></p> <p>Based on the above the proposed development satisfies the coastal planning considerations within clause 7.5 and the site is suitable for the development proposed.</p>	
LEP Clause 7.6 Biodiversity	<p>Pursuant to Clause 7.6, the site is identified on the biodiversity map.</p> <p>The proposal is accompanied and supported by an arboricultural assessment report by Urban Forestry Australia. Key findings of the assessment are noted as follows:</p> <p>The site trees are a mixture of locally indigenous species, Australian native and exotic species of varying health and condition. Most of the trees are locally indigenous. All appear to be planted; none presented as being remnants of native forest. The majority of the trees are juvenile and semi-mature specimens.</p> <p>Five (5) prescribed site trees are proposed for removal—Trees 3, 4, 7 and 8 (Coastal Banksias), and Tree 6 (Bracelet Honey Myrtle). None of the proposed tree removals has been identified with a High Retention Rating (RV). No species of assessed tree is subject to threatened conservation status under Australian and/or State Government legislation (i.e. NSW Biodiversity Conservation Act 2016, and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999).</p> <p>No assessed tree on the site or on adjoining properties was identified as an endangered species.</p> <p>Based on the above the provisions of clause 7.6 are assessed as being satisfied by the proposal.</p>	Yes
<p>LEP Clause 7.8 Limited development on foreshore area</p> <p><i>The LEP defines foreshore area as 'the land between the foreshore building line and the mean high water mark of the</i></p>	<p>The site is dissected by the foreshore building line and is subject to the provisions of clause 7.8 of the LEP. No development is nominated by the proposal within the foreshore area. Furthermore, the proposed development is significantly</p>	

LEP Provision	Response	Complies
<p><i>nearest natural waterbody shown on the <u>Foreshore Building Line Map</u>.</i></p> <p>Key provisions -</p> <p><i>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</i></p> <p><i>(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,</i></p> <p><i>(b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).</i></p>	<p>setback from the designated foreshore area.</p> <p>The provisions of this clause are satisfied by the proposal</p>	

The site is dissected by the foreshore building line and is subject to the provisions of clause 7.8 of the LEP. No development is nominated by the proposal within the foreshore area. Furthermore, the proposed development is significantly setback from the designated foreshore area.

The provisions of this clause are satisfied by the proposal

### 5.2.1 **Clause 4.3 Height of building**

Clause 4.3(2), by reference to the Height of Buildings Map, establishes a maximum height of 8.5m for the land. However, clause 4.3 2(D) also applies to the proposal because the *building footprint is situated on a slope that is in excess of 16.7 degrees*. It states:

*(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:*

- (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*
- (b) the objectives of this clause are achieved, and*
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and*
- (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.*



In accordance with 4.3 (2D) the proposal displays a maximum building height of 9.850m and is situated on a slope of approximately 27 degrees and up to 55%. Incidentally, due to the slope of the site and terraced building design, this is to lowest point of the roof structure at RL 19.415 whereas the maximum roof ridge is to the west at RL 23.040. It is assessed that the proposal satisfies clause 4.3 (2D) of the LEP.

The extent of the proposed building's height between 8.5m and 10m are illustrated within figures 23 to 24 below from the architectural plan set.

Clause 4.3 (2D) relies on the consent authority forming the opinion that the proposed development satisfies the discretionary criteria within clause 4.3(2D) (a) to (e) above. In our opinion the building design satisfies these characteristics for the reasons provided below.

Notwithstanding, a 4.6 submission is made for abundant caution, because, if in the opinion of the consent authority, the proposal does not satisfy clause 4.3 D, then the DA cannot be approved.

***(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***

Response –

- The extent is minor because it occupies a small area of the proposed building footprint, at the eastern end (lowest section) of the roof, as demonstrated within figures 22 and 23.
- Based on the above it is concluded that the proposal satisfies subclause (a) of the standard.

***(b) the objectives of this clause are achieved, and***

Response –

- Each of the objectives of clause 4.3 are addressed above and it is concluded that the objectives are achieved.
- Based on the above it is concluded that the proposal satisfies subclause (b) of the standard.

***(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and***

Response –

- The proposed building footprint is situated on a slope that is measured to be up to 27 degrees and 55% which is a slope that is in excess of 16.7 degrees (30%),
- Based on the above it is concluded that the proposal satisfies subclause (c) of the standard.

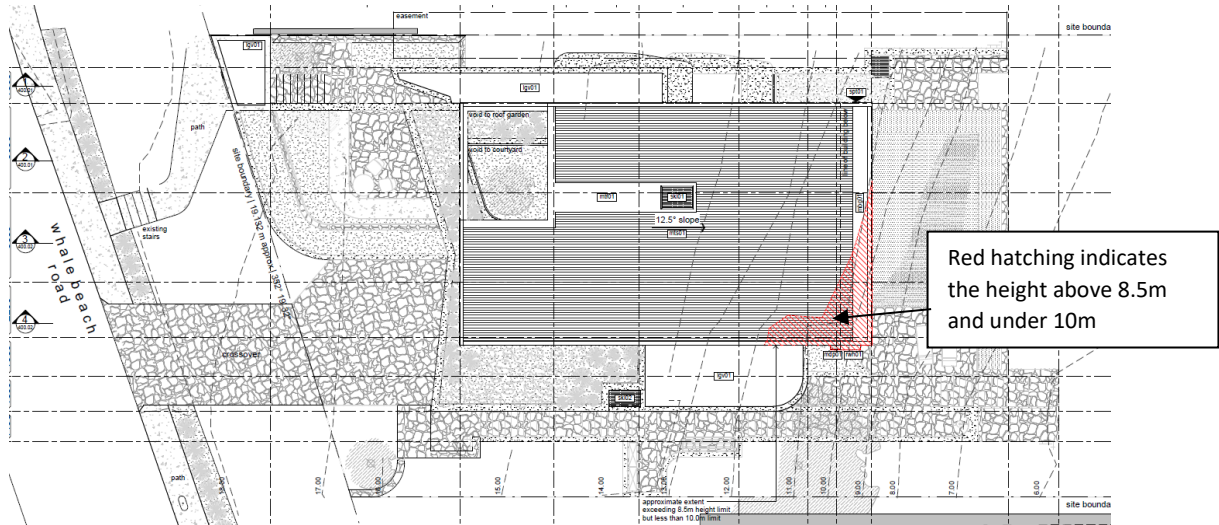


***(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.***

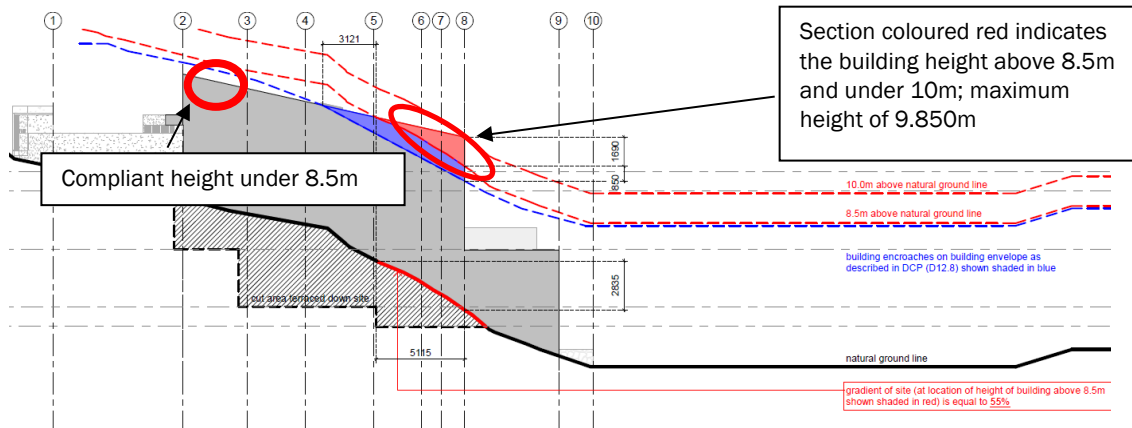
Response –

- The land is characterised by steeply sloping topography, most notably within the western portion of the site where there are level changes of upto 8.5m over a 16.5m distance.
- In terms of the siting of the building, the location of the RE1 zoned land at the eastern end of the site constrains the ability to site the new dwelling on the flatter sections of the allotment and still maintain convenient vehicle access to the dwelling from Whale Beach Road.
- In these ways it is reasonable to expect that a casual observer will see the building form as one that reflects the steep slope of the hillside when viewed from surrounding land.
- The proposed building has been designed to integrate with the landform noting that it displays a skillion roof that is angled similar to the gradient of the topography (figure 24). and incorporates floor plates that step (or are ‘staggered’) responsive to the slope of the land.
- The proposed building has been designed to respond sensitively to the natural topography as evidenced by:
  - The upper and lower level floor plates incorporate split levels; varying from RL17.4 to RL 16.29 for the upper level and RL9.630 to RL 8.52 for the lower level.
  - The floor plates are staggered (or terraced); the lower ground floor level has an increased western setback (to the levels above) of 12m to 19m from the site’s western boundary.
  - The proposal displays a skillion roof that is angled similar to the gradient of the topography and incorporates floor plates that step responsive to the slope of the land.
  - In these ways it is reasonable to expect that a casual observer will see the building form as one that reflects the steep slope of the hillside.
- Based on the above it is concluded that the building is cited and designed to take into account the slope of the land. Furthermore, the need for cut and fill is reduced because the design of the proposed building steps down the slope of the site as it falls to the east. Based on the above it is concluded that the proposal satisfies subclause (d) of the standard.

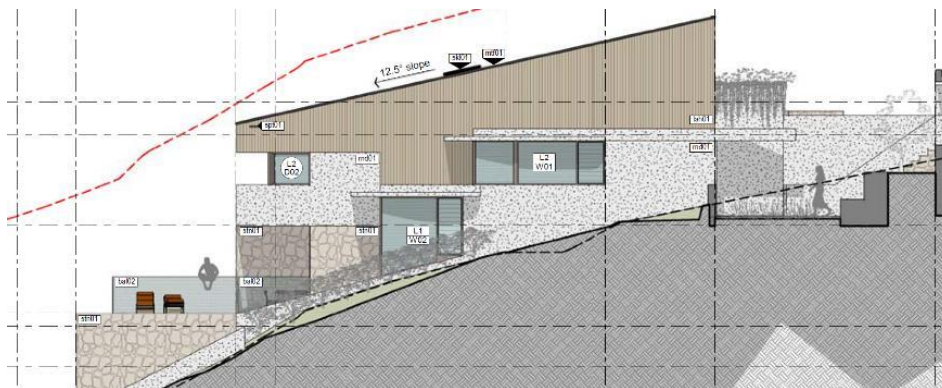
For the reasons outlined above, it is assessed that the provisions for clause 4.3 (2D) are satisfied by the proposal.



**Figure 22 – the extent of the proposed height exceedance in plan view is indicated by the red shading**



**Figure 23 – The section coloured red indicates the building height above 8.5m and under 10m; maximum height of 9.850m**



**Figure 24 – the proposed northern elevation. The design is responsive to the site slope, is significantly inset from the property boundaries and incorporates varied building materials to provide an appropriate visual scale and minimise its height**

## 6 State Environmental Planning Policy

### 6.1 State Environmental Planning Policy - BASIX

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

### 6.2 State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018 which came into effect on 3 April 2018. It is applicable because the site is within the designated:

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

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

Furthermore, the proposed development has been reviewed by Horton Coastal Engineering. The Coastal Engineers have certified that the subject site is appropriate for accommodating the proposal. They conclude as follows:

*With the proposed development to be founded on bedrock, coastal erosion/recession is not a credible risk to the proposed development for a planning period beyond 2100 (design life of 81 years). The development would be at an acceptably low risk of damage from coastal inundation and wave runup over a reasonable 60 year design life if the measures outlined in Section 8 are adopted.*

*The proposed development satisfies the requirements of State Environmental Planning Policy (Coastal Management) 2018 (Clauses 14 and 15), Section 9(2) of the Coastal Management Act 2016, Clause 7.5 of Pittwater Local Environmental Plan 2014, Section B3.3 of the Pittwater 21 DCP and the Coastline Risk Management Policy for Development in Pittwater for the matters considered herein.*

#### 6.2.1 Clause 13 - Development on land within the coastal environment area

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

13 Development on land within the coastal environment area	Response
<b><i>(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:</i></b>	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The extent of proposed excavation and works is supported by the appropriate range of technical studies, e.g. geotechnical, hydraulic and coastal engineering assessments.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> <li>▪ The land and its development for residential purposes is established on the site. The extent of proposed excavation and works is supported by the appropriate range of technical studies, e.g. geotechnical, hydraulic and coastal engineering assessments.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(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,</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes.</li> <li>▪ Consideration and provision of appropriate stormwater management is made by the proposal referred to within Section 7 of this report.</li> <li>▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i></li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes.</li> <li>▪ An arboricultural report and landscape plan accompany the DA and makes appropriate provision for vegetation management within the site.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(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,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not adversely impact upon existing access provisions.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance.</li> </ul>

13 Development on land within the coastal environment area	Response
	<ul style="list-style-type: none"> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> <li>Not relevant to the assessment of the proposal.</li> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<b>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</b>	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> <li>Responses have been made above in relation to the considerations within subclause (1).</li> <li>The proposal is assessed as satisfactory in relation to these considerations.</li> </ul>
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> <li>Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts.</li> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<b>(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.</b>	<ul style="list-style-type: none"> <li>Noted; not applicable.</li> </ul>

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

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

14 Development on land within the coastal use area	Response
<b>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</b>	
<b>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</b>	
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	<ul style="list-style-type: none"> <li>The proposal will not adversely impact upon existing access provisions.</li> <li>The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>

14 Development on land within the coastal use area	Response
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ Given the nature of development contained within the site and the local context, particularly the nature, scale, and siting of development within properties to the east and west along the foreshore, the proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> <li>▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> <li>▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> <li>▪ See above response.</li> </ul>
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> <li>▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA.</li> <li>▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</li> <li>▪ The proposal is assessed as satisfactory in relation to this consideration.</li> </ul>



14 Development on land within the coastal use area	Response
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> <li>Noted; not applicable.</li> </ul>

### 6.3 State Environmental Planning Policy No. 55– Remediation of Land

Council shall not consent to the carrying out of any development on land unless it has considered the provisions of SEPP No. 55 – Remediation of Land (“SEPP 55”). In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

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

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

## 7 Development Control Plan

The Pittwater Development Control Plan is applicable to the proposal. Relevant provisions of the Pittwater DCP are addressed below.

### 7.1 Overview

The proposed new dwelling house:

- is compatible with the topographical features of the sloping coastal hill side and beach front character of the location
- is compatible with the architectural form of the property and landscape quality of the site.
- The proposal will complement the landscape quality and appearance of the site when viewed from public spaces on Whale Beach to the east;
- will be located within a landscaped setting and will be appropriately treated in terms of its materials and finishes to be compatible with the character of the property and the locality.

### 7.2 Palm Beach Locality

The property is within the Palm Beach Locality. The desired future character statement for the locality is as follows:

*The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the lowlands and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.*



*The design, scale and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.*

*A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.*

*Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

*Palm Beach will remain an important link to the offshore communities.*

This report and the accompanying clause 4.6 submission demonstrates that the proposed alterations and additions have been designed to meet the desired future character of the Palm Beach Locality through its form, siting and ability to sit compatibility within a landscaped setting.

- The land is characterised by steeply sloping topography, most notably within the western portion of the site where there are level changes of upto 8.5m over a 16.5m distance displaying gradients up to 55%.
- The proposed development will not result in any excessive or inappropriate environmental impacts as documented within this submission;
- Adequate infrastructure is available to the site;
- The proposed building does not protrude through the canopy of local trees;
- The proposed building minimises, and provides an appropriate, bulk and scale by stepping responsive to the topography, providing generous boundary setbacks, providing a landscape setting and achieves a landscaping and deep soil outcome that meets and exceeds the planning controls under the and DCP, high quality architecture and materials.
- The proposed building is comparable in its height and massing when compared to the existing height and massing of nearby contemporary development within the hillside and the local context;
- The proposed building incorporates an appropriate range of natural colours and materials, compatible with the location and context and will harmonise with the natural environment;
- The proposed building is sympathetic to the site's landform, landscape and other features of the natural environment given that it provides a landscape setting, provides a significant setback of 23 to 29.4m to the eastern boundary of the site, does not propose any change or development within the rear part of the site that is zoned for future public acquisition.

## 7.3 Key development controls

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, the objectives of this control and the merits of the proposal are addressed separately below the table.

Control	Requirement	Proposed	Complies
<b>Part D: Locality Specific Development Controls</b>			
Front building line	<p>10m or the established building line, whichever is the greater.</p> <p>The existing front setbacks are noted within Figures 27 and 28 below.</p>	<ul style="list-style-type: none"> <li>6.5m to house - 5.1m to garage outer most projection.</li> <li>The proposed front setbacks are significantly increased to the proposed onsite car parking / garage and dwelling house; will exceed the front setbacks provided by 237A and provide increased landscaping within the front setback.</li> </ul>	<ul style="list-style-type: none"> <li>No*</li> </ul> <p>A moderate extent of exceedance is proposed as illustrated within the architectural plans.</p> <p>The objectives of the control are satisfied as detailed within section 7.4 below</p>
Side and rear building line	<ul style="list-style-type: none"> <li>1.0m one side</li> <li>2.5m to other side</li> <li>6.5 m to rear</li> </ul>	<p>side setbacks:</p> <ul style="list-style-type: none"> <li>North – 1.250m</li> <li>South – 3.350m to external stairs and 4.65 to the south east corner of the proposed building</li> </ul> <p>Rear setbacks:</p> <ul style="list-style-type: none"> <li>Rear boundary – approx. 29.4m</li> <li>RE1 Public Recreation zone boundary approx. 23m</li> </ul>	<p>Side</p> <ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> </ul> <p>Rear</p> <ul style="list-style-type: none"> <li>Yes</li> </ul>
Building Envelope	<p>3.5m at 45 degrees measured at the side boundary</p> <p><i>Variations</i></p> <p><i>Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.</i></p> <p><i>Where subject to Estuarine, Flood &amp; Coastline (Beach) Hazard</i></p>	<ul style="list-style-type: none"> <li>North – modest exceedance</li> <li>South – modest exceedance</li> <li>Figures 29 to 33 below illustrate the location, nature and extent of the exceedance</li> <li>In this instance the site is eligible for a variation because the <i>building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this</i></li> </ul>	<ul style="list-style-type: none"> <li>No*</li> </ul> <p>A moderate extent of exceedance is proposed as illustrated within the architectural plans.</p> <p>The objectives of the control are satisfied as detailed within section 7.4 below.</p>

	<p><i>Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.</i></p> <p><i>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</i></p> <p><i>Council may consider a variation for the addition of a second storey where the existing dwelling is retained.</i></p>	<p><i>control will be considered on a merits basis.</i></p>	
<p>Landscaped Area - Environmentally Sensitive Land</p>	<ul style="list-style-type: none"> <li>60% minimum Split Zones -</li> </ul> <p><i>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</i></p>	<ul style="list-style-type: none"> <li>The calculation of the proposal's Landscaped Area has been based on the area of the allotment that is not zoned RE1 Public Recreation which is 883 m<sup>2</sup> requiring a landscaped area of 529.8 m<sup>2</sup></li> <li>Proposed: 536 m<sup>2</sup>/61%</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>
<b>Part C: Development Type Controls</b>			
<p>View Sharing (C1.3 DCP)</p>	<ul style="list-style-type: none"> <li>Various DCP objectives</li> </ul>	<ul style="list-style-type: none"> <li>The property is set within a developed hillside location that enjoys eastly views over Whale Beach and the Pacific Ocean.</li> <li>Significant effort has been made in the design of the proposal to minimise its</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>

		<p>height as viewed from the western, upslope areas.</p> <ul style="list-style-type: none"> <li>▪ The existing single storey dwelling's pitched roof ridge height is at RL 21.53 whereas the proposed dwelling provides a skillion roof which peaks at RL 23.04.</li> <li>▪ The maximum height of the roof is at the western end on the dwelling which is RL 23.040 AHD. The Reduced Level at 8.5m above existing ground level at that same point on the site is 24.320 AHD. Therefore, the proposal is 1.280m below the allowable height at the roof ridge at its western end. This is illustrated within figures 1 to 5 (herein) from the architectural plan set.</li> <li>▪ Due to the slope of the site and terraced nature of the building design, this is to lowest point of the roof structure.</li> <li>▪ Given the sloping, east-facing hillside topography, the excavated, 'cut-in' siting of the proposed dwelling, and the neighbourhood context of the property, the proposal is not anticipated to significantly or unreasonably impede any established views from surrounding residential properties or public vantage points.</li> <li>▪ Noting these characteristics, the proposal will achieve an appropriate view sharing outcome between the properties. The provisions of this control are satisfied by the proposal.</li> </ul>	
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<p>Solar Access (C1.4 DCP)</p>	<ul style="list-style-type: none"> <li>▪ Min 3 hours to each proposed dwelling within the site</li> <li>▪ Min 3 hours to neighbouring dwellings PoS areas</li> <li>▪ In accordance with Clause C1.4 the main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</li> <li>▪ Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading.</li> <li>▪ The subject site and the adjoining properties have an east / west orientation to The Strand and Whale Beach Road, with principal outdoor recreation spaces (e.g. balconies, decks, pools and terraces) generally located to the east (where the view is) of dwellings and secondary, private gardens/terraces generally to the west of dwellings.</li> <li>▪ The subject site and the adjoining properties have an east / west orientation to The Strand and Whale Beach Road, with principal outdoor recreation spaces (e.g. balconies, decks, pools and terraces) are generally located to the east of dwellings (to access the coastal views) and secondary, private gardens/terraces are generally to the west of dwellings.</li> <li>▪ The proposed 9am shadow will be cast over the properties Whale Beach Road frontage. This mainly comprises vegetation; it does not contain the dwelling's principle private open space areas (figures 25 and 26 below).</li> <li>▪ The proposed 12pm shadow falls largely upon the roof of the dwelling but the large majority of the property, including the dwelling's principle private open space areas to the east, are not affected by the proposal.</li> <li>▪ Between 1pm and 3pm the rear private open space</li> </ul>	<ul style="list-style-type: none"> <li>▪ Yes</li> </ul>
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		<p>area will experience shading from the proposal. The shadow extent in this location at this time is partly a characteristic of is the Whale Beach escarpment to the north west of the site (the ridge top being at approximately RL 104 AHD). This exacerbates the shadow cast during the afternoon time period.</p> <ul style="list-style-type: none"> <li>Based on these characteristics it is concluded that the extent of sunlight available to the adjoining property's private open space areas satisfies the provisions of Clause C1.4 of the Pittwater DCP because it will not prevent the dwelling receiving a minimum of 3 hours of sunlight to the main private open space of the adjoining dwelling between 9am and 3pm on June 21st.</li> <li>This proposal provides shade, consistent with orientation of the allotment/subdivision and development pattern along the street.</li> <li>The proposed dwelling is significantly inset from the side boundaries; notably being 3875mm from the eastern boundary. This assist is reducing its shading impact.</li> <li>It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied.</li> </ul>	
Privacy (C1.5 DCP)	<ul style="list-style-type: none"> <li>Various DCP objectives.</li> </ul>	<ul style="list-style-type: none"> <li>Privacy has been considered in the proposed design and</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>



		<p>satisfies the DCP's privacy objectives.</p> <ul style="list-style-type: none"> <li>▪ The property is set within a developed hillside location that enjoys eastly views over Whale Beach and the Pacific Ocean.</li> <li>▪ Elevated east facing balconies and terraces are a characteristic of the dwellings in the location. There is an associated reduced degree of privacy between adjoining properties in recognition of the access to coastal views that these provide.</li> <li>▪ The proposed rear elevated balconies are well setback from the side boundaries and will not directly overlook any private or sensitive living spaces within the adjacent properties.</li> <li>▪ The proposed balconies/open spaces are appropriately siting aligned and separated in relation to adjacent living spaces.</li> <li>▪ New window openings within the side elevations have been kept to a minimum with several being 'highlight'/high sill height style openings.</li> <li>▪ It is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties.</li> </ul>	
Private Open Space (PoS) (C1.7 DCP)	<ul style="list-style-type: none"> <li>▪ 80 m<sup>2</sup> at ground floor</li> <li>▪ 16 m<sup>2</sup> (out of the 80m<sup>2</sup>) must be provided off a principal living area of the dwelling. 4m x 4m min dimension</li> </ul>	<ul style="list-style-type: none"> <li>▪ Additional terrace spaces proposed in the form of balconies, courtyards, swimming pool and rear yard areas.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Yes</li> </ul>

	and grade no steeper than 1 in 20 (5%)		
<b>Part B: General Controls</b>			
B5.10 Stormwater Discharge into Public Drainage System.	<ul style="list-style-type: none"> <li>Connected by gravity means to street established piped system or other approved means.</li> </ul>	<ul style="list-style-type: none"> <li>Connected by gravity means in accordance with the accompanying stormwater management plan by Stellen Consultants.</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>
Car Parking (B6.5 DCP)	<ul style="list-style-type: none"> <li>2 spaces per 2 or more bedroom dwellings</li> </ul>	<ul style="list-style-type: none"> <li>2 proposed</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> </ul>
<b>RESIDENTIAL DEVELOPMENT CONTROLS</b>			
Character as viewed from a public place	Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	<p>The proposed development will appropriate when viewed from the street and beach.</p> <p>The proposal will be compatible with the character of nearby dwelling houses in relation to building bulk, form and scale noting the land to the north and west is sloping and development is predominantly characterised by multi-level residential dwelling houses.</p> <p>The proposal will present as a contemporary single storey dwelling Whale Beach Road. This presentation is compatible with nearby dwellings to the north, located on the eastern side of Whale Beach Road that generally present to the street as 1 to 2 storey dwellings</p> <p>When viewed from Whale Beach – the proposal is significantly setback from its eastern boundary and The Strand – 28m setback, the proposed design reflects the sloping hillside topography that rises up from the beach level. It 3 level presentation is compatible with nearby dwellings to the north, located on the eastern side of Whale Beach Road that generally present to the east (Whale Beach) as 2 to 3 level dwellings</p>	Yes

		The proposed design's roof form, materials, landscaping, terracing, scale and architectural form is in keeping with the contemporary local character of dwellings within the hillside.	
Scenic Protection – General	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>The proposed development will be within a landscaped setting and will present appropriately to the street and beach.</p> <p>When viewed from Whale Beach the proposal is significantly setback from its eastern boundary and The Strand by a 29m setback. The proposed design reflects the sloping hillside topography that rises up from the beach level. Its 3-level presentation is compatible with nearby dwellings to the north, located on the eastern side of Whale Beach Road that generally present to the east (Whale Beach) as 2 to 3 level dwellings. The site's development and 29m rear setback provides opportunity for appropriate landscaping.</p> <p>The proposal is of a character and scale that will be compatible with other dwellings within the site's hillside context.</p>	Yes
Building Colours and Materials	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location</p>	<p>The proposed development will present appropriately to the public spaces adjacent to the property.</p> <p>The proposed materials and finished will employ earthy tones, compatible with the location and context.</p>	Yes

	<p>with the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p> <p>Damage to existing native vegetation and habitat is minimised.</p>		
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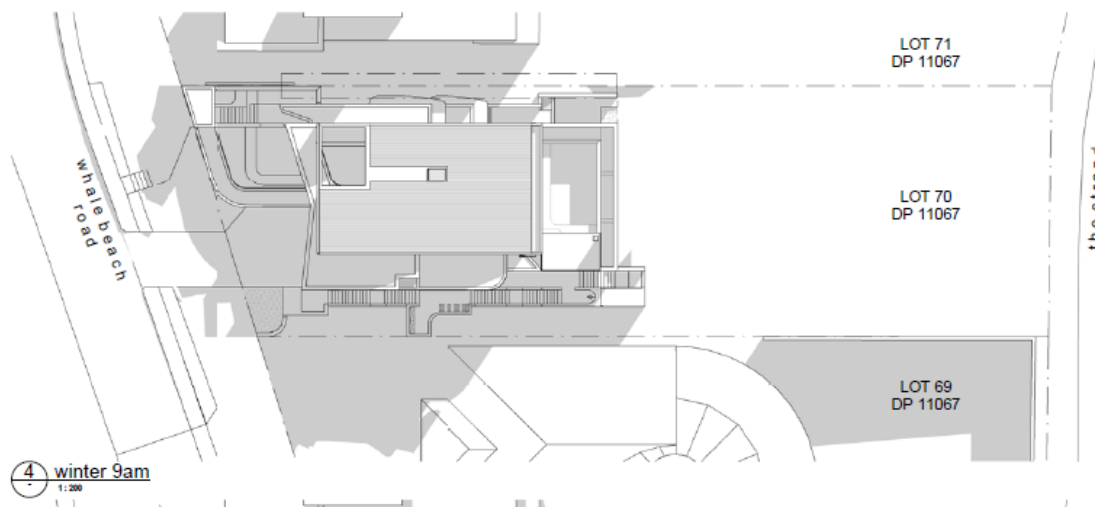
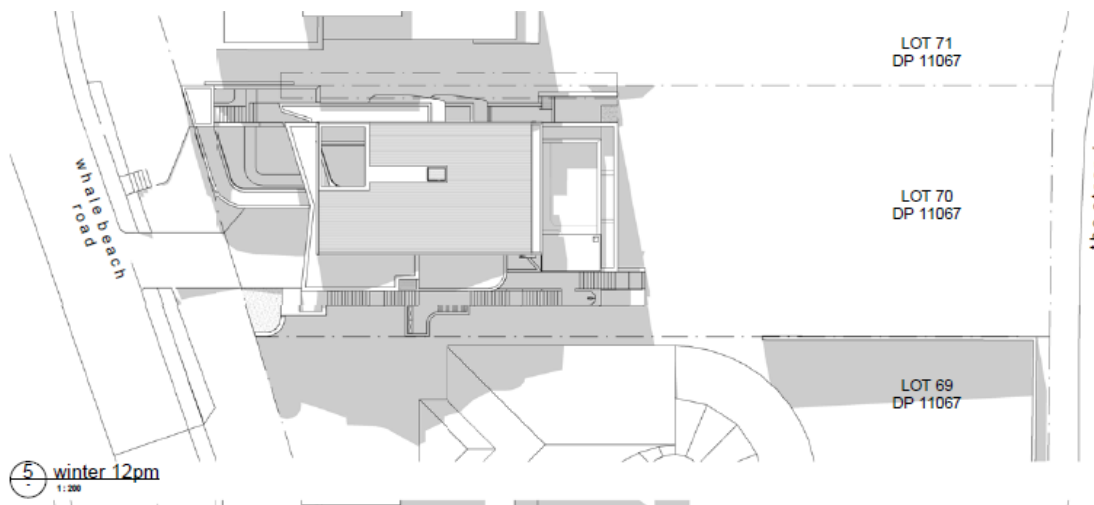


Figure 25 – the proposed shading impact to the southern adjoining development at 9am on 22 June



**Figure 26 – the proposed shading impact to the southern adjoining development at 12pm on 22 June**

## 7.4 Proposed numerical variations

### 7.4.1 Overview

As identified within the above table, variations are exhibited by the proposal with the following numerical controls with the DCP:

- Front building line - to Garage
- Side Building Envelope – south and north, upper level

These are addressed in turn below.

### 7.4.2 Front setback

Control D12.5, Front building line, contains the numerical requirement of 6.5m or the established building line, whichever is the greater. As identified within the above table, a variation is exhibited by the proposal, which relates mainly to the proposed garage at the south western section of the site.

The site frontage is angular and a generous 19.13m wide the proposed garage encroaches within the 6.5m front setback and is positioned approximately 1.6m (RL17.4) below the road level (RL 19.00).

This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

The objectives ('Outcomes) of the front building line control are noted as follows:

#### *Outcomes*

- *'Achieve the desired future character of the Locality. Equitable preservation of views and vistas to and/or from public/private places.*

- *The amenity of residential development adjoining a main road is maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Vehicle manoeuvring in a forward direction is facilitated.*
- *To preserve and enhance the rural and bushland character of the locality.*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment'.*

The proposed front setback variation is appropriate in the circumstances and addresses the objectives ('Outcomes') of the control noting the following:

- The proposed front setbacks are significantly increased to the existing onsite car parking / garage and dwelling house; will exceed the front setbacks provided by 237A and provide increased landscaping within the front setback. The existing development upon the property is located very close to the front boundary see figures 27 and 28 below. The proposed development will result in an increased front setback, new and enhanced building form and complimentary landscape regime, with net streetscape improvements.
- The steep slope of the site is a significant constraint on the potential to alternatively locate the garage further back from the western site frontage. Furthermore, the foreshore building line and RE1 zone that applies to the eastern 222m<sup>2</sup> area of the site and prohibits the potential to alternatively locate the garage at the site's eastern frontage.
- Due to the steep topography, that falls suddenly from the road level the proposal is in keeping with the streetscape character of properties on the eastern side of Whale Beach Road. Driveways, car ports garages, entry porticos etc are features of the property frontages, landscape and streetscape. These features often conceal the dwelling houses behind, which terrace down the hillside below the road level. The design continues this characteristic and is therefore in keeping and compatible with the streetscape.
- Noting the sloping topography on both sides of Whale Beach Road, the built form character within the streetscape comprises garages and car parking areas within the nearby property frontages.
- The site's position on the 'low side' of Whale Beach Road minimises the visual prominence of the exceedance. The proposed garage is positioned approximately 1.6m (RL17.4) below the road level (RL 19.00).
- There is an established character of buildings located forward of the building line due to the sloping topography. These structures include garages, retaining walls, buildings,



fences and pedestrian entry steps are some of the common features on adjoining properties.

- The proposed front setback is compatible with the development character within the street. Similar to other contemporary development on both sides of Whale Beach Road, but particularly those properties on the lower, eastern side of the street.
- The proposal will *achieve the desired future character of the Locality* as addressed within section 7.2 of this report.
- The proposal comprises a site-specific design, with a building footprint that steps responsive to the front boundary alignment, utilises high quality materials and integrates vegetation within the design/front setback.
- The proposed front setback is increased from approx. 1m to 6m from the Pre-lodgement application (not including the 'sunken courtyard' which is a landscape feature that is concealed below the ground level and not visible from the street).
- No physical amenity impacts on adjoining properties will result from the proposed front building setback
- A positive and improved streetscape outcome is achieved by the proposal. The proposal will *achieve the desired future character of the Locality* as addressed within section 7.2 of this report.

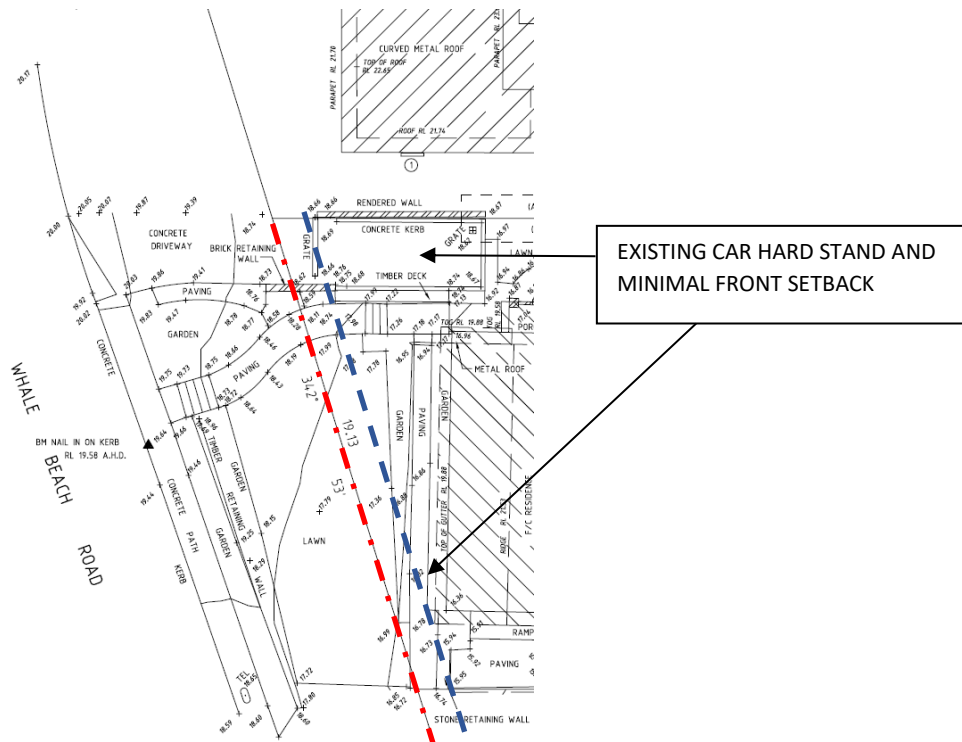
For these reasons it is assessed that the design will enhance the streetscape amenity and the proposal will be compatible with the desired character of the locality.

### Conclusion

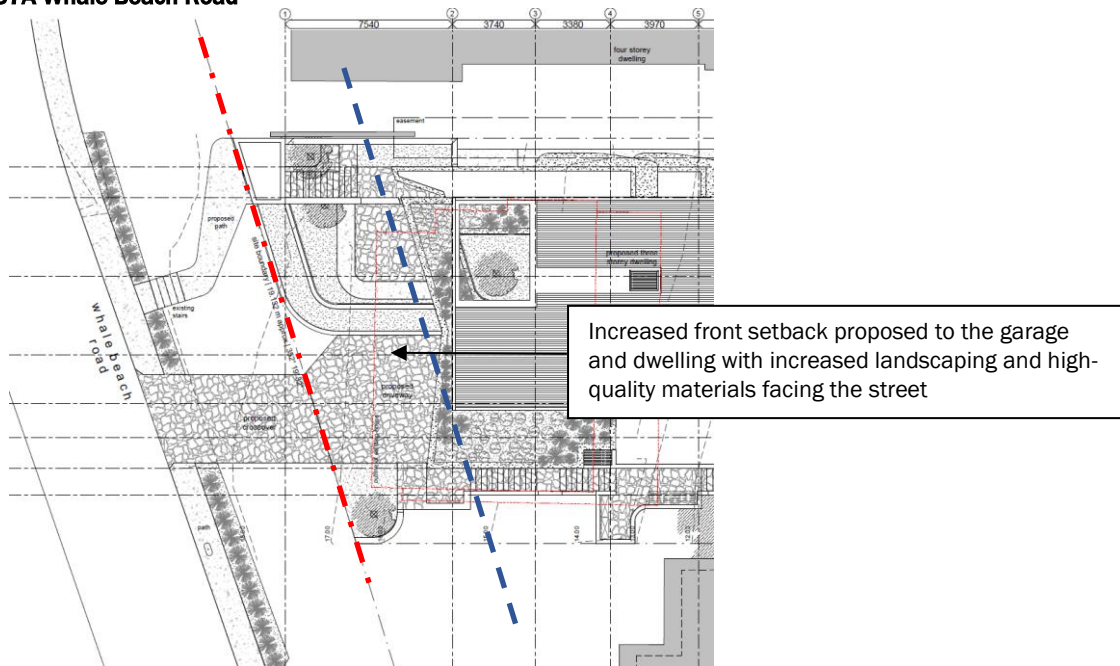
Based on the above, it is concluded that in the circumstances

- the proposal is reasonable;
- the proposal meets the objectives of the front boundary setback planning control;
- there are sufficient site-specific circumstances to justify this variation in this instance.

Pursuant to clause (3A)(b) of Section 4.15 of the Act, it is therefore appropriate for the consent authority to be flexible in applying the numerical aspect of the control because the objectives of control have been satisfied.



**Figure 27 – excerpt from survey plan showing the existing front setback character of the subject property and 237A Whale Beach Road**



**Figure 28 – excerpt from architectural plans showing the proposed front setback character of the subject property to Whale Beach Road. The proposed front setbacks are significantly increased to the existing onsite car parking / garage and dwelling house; will exceed the front setbacks provided by 237A and provide increased landscaping within the front setback.**

### 7.4.3 Building envelope

As noted within the table above, a numerical variation to the building envelope control is proposed in relation to a section of the upper walls on the northern and southern sides of a portion of the upper level of the proposal.

The location and extent of the exceedance is illustrated within the architectural plans and the excerpts below (see figures 29 to 33 below).

This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

The objectives ('Outcomes) of the building envelope control are noted as follows:

- *To achieve the desired future character of the 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.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

The land is steeply sloping, displaying gradients upto approximately 27 degrees and 55% in some sections where the building is proposed to be located. In these circumstances the control makes provision for the following variations which are relevant to the site:

*Where the building footprint is situated on a slope over 16.7 degrees (ie; 30%), variation to this control will be considered on a merits basis.*

*Where subject to Estuarine, Flood & Coastline (Beach) Hazard Controls, the building envelope shall be measured from a height above the minimum floor level requirement under the Estuarine, Flood and Coastline (Beach) Hazard Controls.*

The proposed building envelope control variation is appropriate in the circumstances, based on the merits of the design, and the objectives ('Outcomes) of the control noting the following:

- The land is characterised by steeply sloping topography, most notably within the western portion of the site. The land slopes significantly from the Whale Beach Road frontage down to the east, with a level difference of approximately 14.13m between Whale Beach Road and the lowest level within the rear of the property (approximately RL20 to RL 5.87). The land also has a 'crossfall' sloping from its northern to its southern side, in some locations upto 2 metres.

- In this instance the physical topography of the site is steeply sloping (up to 27 degrees and 55%, and the topography limits the flexibility available to alternatively design the structure and achieve strict compliance. The control makes provision for exceedances in these circumstances; it states: *Where the building footprint is situated on a slope over 16.7 degrees (ie 30%), variation to this control will be considered on a merits basis.*
- The extent of the exceedance does not directly result in adverse amenity impacts to either the southern or northern neighbouring property, noting that:
  - shadowing impact and solar access is appropriately addressed by the proposed development;
  - the design's visual scale and form is assessed as compatible and acceptable when viewed from the neighbouring residential properties;
  - in relation to the coastal foreshore the proposal provides a significant 29.4m rear setback and the significant extent of landscaped area proposed between the dwelling and the rear boundary
  - privacy is addressed by the proposal as detailed within the table above;
- View impact is not anticipated from the proposed building envelope exceedances due to the slope of the site and the terraced character of the building design. In terms of extent, the majority of the building envelope exceedances occur below the maximum height of the roof (which is RL 23.040 AHD) at the western end on the dwelling. Therefore, view sharing is assessed as being appropriately addressed by the proposal;
- The proposal comprises a site-specific design, with a building footprint that steps responsive to the front boundary alignment, utilises high quality materials and integrates vegetation within the design/front setback. The proposed dwelling presents an articulated, terraced form that is responsive to the slope topography, as it presents to the side and rear boundaries of the property where the land slopes most significantly.
- The proposal will present as a contemporary single storey dwelling to Whale Beach Road. This presentation is compatible with nearby dwellings to the north, located on the eastern side of Whale Beach Road that generally present to the street as 1 to 2 storey dwellings.
- The proposed building does not protrude through the canopy of local trees;
- The proposed building minimises, and provides an appropriate, bulk and scale by stepping responsive to the topography, providing generous boundary setbacks, providing a landscape setting and achieves a landscaping and deep soil outcome that meets and exceeds the planning controls under the DCP, high quality architecture and materials.
- The proposed building is sympathetic to the site's landform, landscape and other features of the natural environment given that it provides a landscape setting, provides a significant setback of 23 to 29.4m to the eastern boundary of the site, does not propose any change or development within the rear part of the site that is zoned for future public acquisition.
- The proposal will achieve the desired future character because it will result in a residential development that will promote good design and amenity of the built environment. The built form outcome has been developed through detailed site,

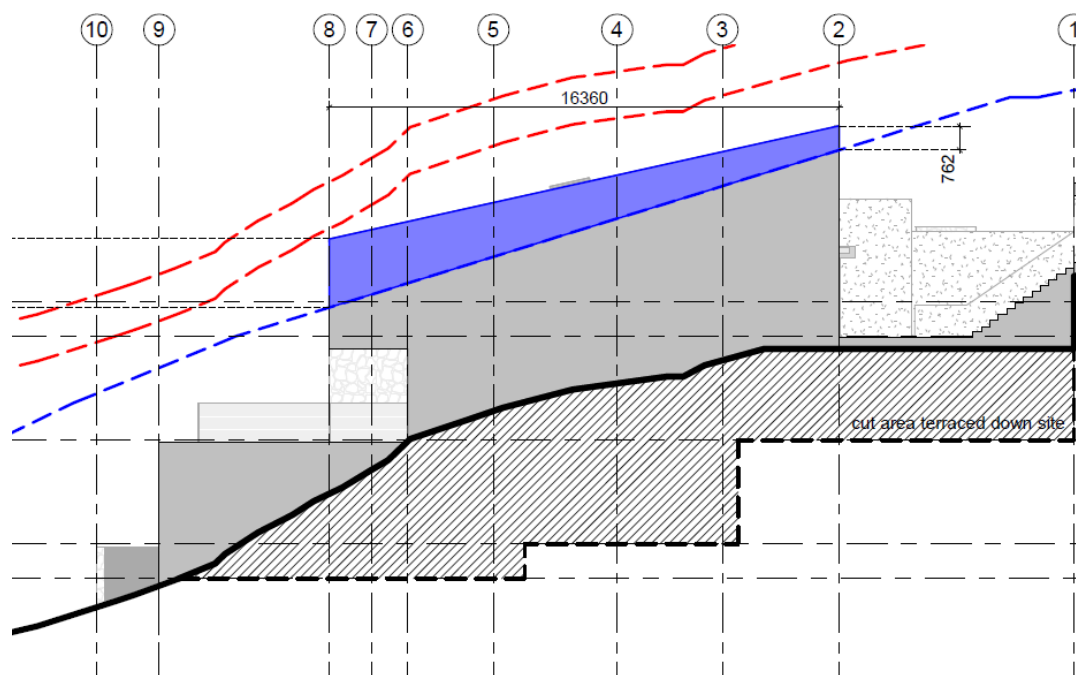
context, privacy, view sharing and shadow analysis to ensure an appropriate contextual and streetscape fit. The building footprint has been designed to reflect the angular and irregular shape of the site creating an interesting, site-specific building design that presents well to each of its boundaries. The proposed development maintains high levels of residential amenity to adjoining properties by minimising its height, by generous boundary setbacks and through the quality of its surrounding landscape spaces. The proposal will *achieve the desired future character of the Locality* as further addressed within section 7.2 of this report.

## Conclusion

Based on the above, it is concluded that in the circumstances

- the proposal is reasonable;
- the proposal meets the objectives of the building envelope planning control;
- there are sufficient site-specific circumstances to justify this variation in this instance.

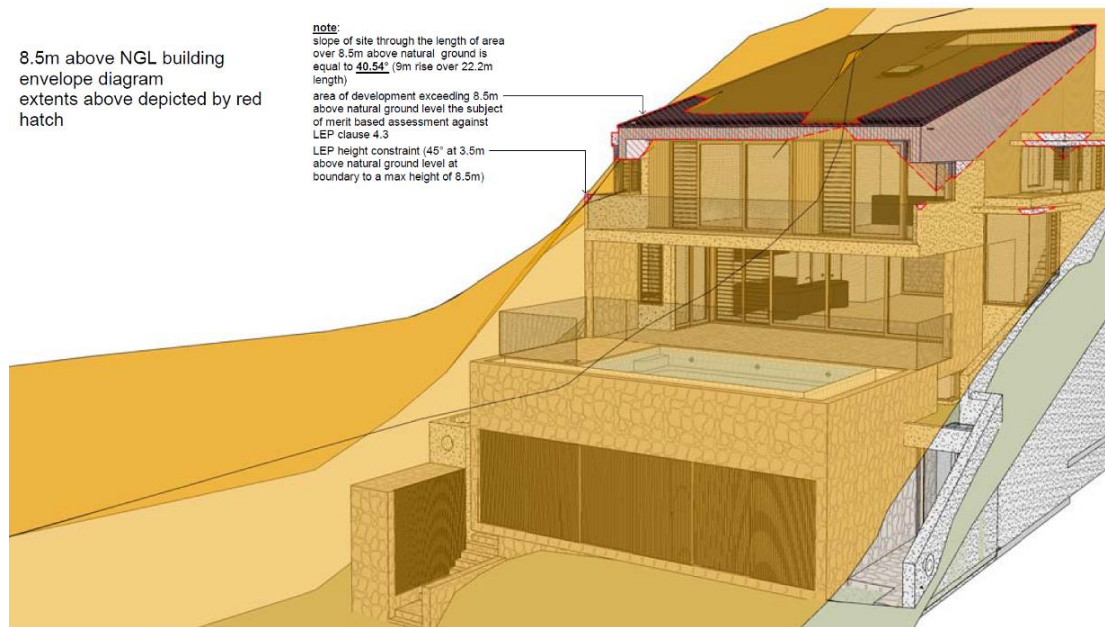
Pursuant to clause (3A)(b) of Section 4.15 of the Act, it is therefore appropriate for the consent authority to be flexible in applying the numerical aspect of the control because the objectives of control have been satisfied.



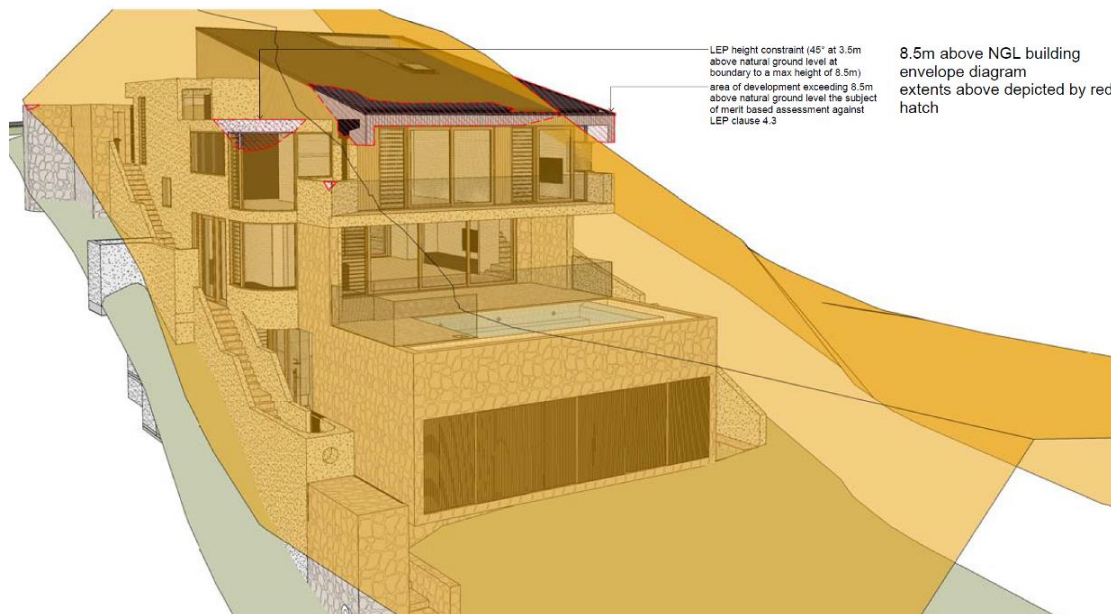
**Figure 29– the extent of the proposed western side boundary envelope exceedance is indicated by the blue line and shading**







**Figure 32 – the red hatch indicates the extent to which the proposed building exceeds the 8.5m building height plane.**



**Figure 33 – the red hatch indicates the extent to which the proposed building exceeds the 8.5m building height plane.**

## 7.4.4 Conclusion

Based on the above, it is concluded that the proposed DCP variations are modest and meet the outcomes/objectives of the planning controls.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP having regard to section 79C (3A)(b) of the Environmental Planning and Assessment Act, 1979.

Accordingly, our assessment finds that the proposal is worthy of support, in this particular circumstance.

## 8 Other Assessment Matters

### 8.1.1 B3.3 Coastline (Beach) Hazard

The proposed development is on land to which this control applies and therefore must address the requirements of the Coastline Risk Management Policy for Development in Pittwater. In these circumstances' development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level for the life of the development. The development must not adversely affect or be adversely affected by coastal processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to coastal processes.

The proposed development has been reviewed by Horton Coastal Engineering. The Engineers have certified that the subject site is appropriate for accommodating the proposed land use and building alterations. Furthermore, the proposed development has been appropriately designed in response to coastal planning considerations,

Based on the above, the proposed development satisfies the DCP's coastal planning considerations within and the site is suitable for the development proposed.

### 8.1.2 Stormwater Drainage

All stormwater will be disposed of to the existing stormwater drainage system.

*The stormwater management plan conforms to the relevant requirements of the following with noted exception:*

- Australian Standard AS3500.3 – Plumbing and Drainage: Part 3 Stormwater Drainage
- Northern Beaches Council Pittwater 21DCP Part B5.7 – Stormwater Management (1)

*Exception:*

*1. Northern Beaches Council Pittwater 21DCP Part B5.7 requires the application of OSD when post development additional "hard stand" areas exceed 50m<sup>2</sup> when compared to pre-developed site. However, no OSD was recommend for the following reasons: a. The site is at the bottom of the catchment and improves the catchment's peak flow hydrograph because the site's peak discharge flow during a storm event would occur before the catchments peak flow.*

*b. The site does not discharge or pass through any of council's stormwater infrastructure.*

*c. An easement is required to achieve a stormwater discharge connection to Whale Beach carpark. Also, a natural gully is present in the site's backyard therefore a 12.8m<sup>3</sup> absorption system is proposed. The absorption trench has similar drainage philosophy to that as an OSD system because it captures, stores and slowly discharges stormwater.*

*We recommend the stormwater design (as described in the drawings) as a safe and practical solution to support the development.*

Based on the above the proposal satisfies stormwater requirements.

### **8.1.3 Clause B4.17 Littoral Rainforest**

As identified by Council within their Pre-Lodgment meeting report:

*The site is mapped as containing Littoral Rainforest Endangered Ecological Community (EEC) as listed under the NSW Biodiversity Conservation Act 2016 (BC Act). However, as the site is highly modified, it is considered the DA could be submitted without the requirement of a 'test of significance' for impacts to the Littoral Rainforest EEC required under Part 7.3 of the BC Act.*

*If the development is located within 5m of an existing protected (non-exempt) tree, or be likely to impact upon existing protected trees, an Arboricultural Impact Assessment report will be required as per the details below.*

In response, the proposed dwelling is within proximity to several trees located on the site or within proximity to the proposed development footprint, as shown in Figure 34 below. The potential impact on these trees has been assessed with the application is accompanied and supported by an arboricultural assessment report by Urban Forestry Australia. Key findings of the assessment are noted as follows:

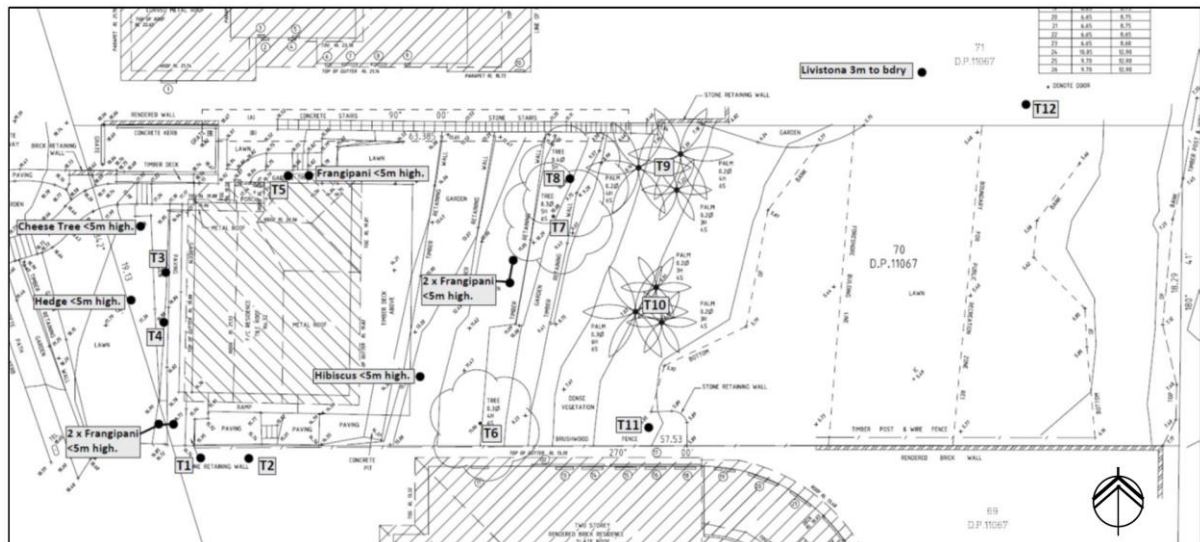
- *A total of twelve (12) trees were assessed and accorded retention values based on their current health and condition (i.e. their Useful Life Expectancy) and their significance in the landscape. It should be noted that the tree survey is a general inspection of health and condition and is not an assessment of possible hazard or risk posed by any tree.*
- *The site trees are a mixture of locally indigenous species, Australian native and exotic species of varying health and condition. Most of the trees are locally indigenous. All appear to be planted; none presented as being remnants of native forest. The majority of the trees are juvenile and semi-mature specimens.*
- *Five (5) prescribed site trees are proposed for removal—Trees 3, 4, 7 and 8 (Coastal Banksias), and Tree 6 (Bracelet Honey Myrtle). None of the proposed tree removals has been identified with a High Retention Rating (RV). No species of assessed tree is subject to threatened conservation status under Australian and/or State Government legislation (i.e. NSW Biodiversity Conservation Act 2016, and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999).*
- *No assessed tree on the site or on adjoining properties was identified as an endangered species.*
- *No assessed tree on the site or on adjoining properties was identified as, or associated with, a heritage item.*

Based on the above, no Littoral Rainforest vegetation has been identified upon the property. Clause B4.17 Littoral Rainforest is satisfied by the proposal.

## 8.2 Clause B4.22 Preservation of Trees or Bushland Vegetation

The proposed dwelling is within proximity to several trees located on the site or within proximity to the proposed development footprint, as shown in Figure 19 below.

The potential impact on these trees has been assessed with the application is accompanied and supported by an arboricultural assessment report by Urban Forestry Australia.



**TREE LOCATION PLAN** Not to scale (Excerpt of site survey by Stutchbury Jaques, marked up by C. Mackenzie)

Note: Trees 1, 2, 3, 4, 5, 11 and 12 have not been plotted by survey. Locations are only approximate.

**Figure 34– location of trees on the site or within proximity to the proposed development footprint**

The findings and recommendations of the assessment are copied below:

- A total of twelve (12) trees were assessed and accorded retention values based on their current health and condition (i.e. their Useful Life Expectancy) and their significance in the landscape. It should be noted that the tree survey is a general inspection of health and condition and is not an assessment of possible hazard or risk posed by any tree.
- The site trees are a mixture of locally indigenous species, Australian native and exotic species of varying health and condition. Most of the trees are locally indigenous. All appear to be planted; none presented as being remnants of native forest. The majority of the trees are juvenile and semi-mature specimens.
- The assessment found that four (4) of the assessed trees may be subject to an application for removal as, by virtue of species, size or location, they are not prescribed trees and therefore not protected under Council's Tree Preservation Controls.
- Five of the eight (8) prescribed, assessed trees are proposed to be removed to facilitate development; none of these trees has a high retention value.



- *The remaining three (3) assessed trees are on the adjoining properties and it is possible one of these may be affected by the proposal and require some modification of a non-structural wall to avoid root disturbance.*

The report concludes:

- *No assessed tree on the site or on adjoining properties was identified as an endangered species.*
- *No assessed tree on the site or on adjoining properties was identified as, or associated with, a heritage item.*
- *Excepting Tree 1, the trees to be retained on the adjoining properties have nil or low TPZ encroachments.*
- *Tree 1 has a moderate to high TPZ encroachment level calculated; however, this is also a situation where the impact level is likely to be less due to the existing structures already within this offset.*
- *An SRZ encroachment is also identified for Tree 1 and may require modification or removal of the proposed curved wing wall to avoid unnecessary disturbance or damage to structural roots of the tree.*
- *Provided the recommendations of this report are adopted, and a site arboriculturist provides appropriate supervision and management of the trees during development, adverse impacts on tree vigour and structural condition of trees to be retained will be managed as practically as possible and it is unlikely any tree decline or additional tree removal will result.*

The arboricultural assessment makes recommendations for appropriate protection measures; to be taken during construction to avoid any significant adverse environmental impacts in relation to remain trees.

Having regard to this arboricultural assessment, the provisions of this DCP provision are assessed as being satisfied by the proposal.

## 9 Section 4.15 the Environmental Planning and Assessment Act 1979

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

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

## 10 Conclusion

The application seeks development consent for demolition of existing structures and construction of a new dwelling at 32 The Strand, Whale Beach.

Shaun Lockyer Architects have responded to the client's brief with an exceptional design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves a contemporary, low profile, site specific building design that is responsive to the micro-climatic conditions, undersized character of the allotment, and the beachside development context.

The result is a proposed development, that is appropriately configured and setback from the site edges which maximise light and ventilation, to achieve privacy, and provide an appropriate view sharing outcome to the adjoining properties. Noting the topographical and zoning characteristics of the allotment, the site-specific building design is responsive to the objectives of the key built form controls being height, setbacks, side boundary envelope, landscape area and site coverage.

The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's land use and built form context.

The property can accommodate the proposal without any significant or unreasonable impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. The proposal has been designed in response to the development context and to have minimum impact on the surrounding amenity.

This DA submission demonstrates that the proposal is a contextually appropriate design that is appropriately located and configured to complement the property's established and intended neighbourhood character.

### **BBF Town Planners**



**Michael Haynes**  
**Director**