



statement of environmental effects



NEW DWELLING HOUSE

1005-1009 BARRENJOEY ROAD
PALM BEACH NSW 2108

May 2025

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of DB19 Pty Ltd to accompany the lodgement of a development application for the construction of a new dwelling house at 1005-1009 Barrenjoey Road, Palm Beach (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by Sydney Surveyors
- Architectural Plans by Kennon
- Landscape Plan by Wyer & Co
- Arboricultural Impact Assessment by Hugh the Arborist
- Geotechnical Report by White Geotechnical Group
- Acid Sulfate Soils Assessment Report by White Geotechnical Group
- Stormwater Management Plans by Barrenjoey Consulting Engineers
- Flood Risk Management Report by Barrenjoey Consulting Engineers
- Estuarine Risk Management Report by Horton Coastal Engineering
- Bushfire Risk Assessment Report by Bushfire Planning Services
- BASIX and NatHERS Certificates by Accelerate Sustainability Assessments
- Waste Management Plan

site details

The site is comprised of three lots:

- Lot 59 in DP 146982, being 1005 Barrenjoey Road, Palm Beach
- Lot 58 in DP 146982, being 1007 Barrenjoey Road, Palm Beach, and
- Lot 57 in DP 146982, being 1009 Barrenjoey Road, Palm Beach.

The site has a 45.72m wide frontage to the Barrenjoey Road public road reserve, a maximum depth of 68.885m and a total area of 3079m². The rear boundary is the Mean High Water Mark (**MHWM**), which separates the site from a public reserve, known as Sandy Beach, and the Pittwater waterway.

A two storey dwelling and a detached double garage is located on Lot 57 and 58, whilst the previous dwelling on Lot 59 has been demolished (CDC2024/0818). Vehicular and pedestrian access is gained via a shared driveway in the road reserve, that runs parallel and at a lower level to the main roadway of Barrenjoey Road. The shared driveway is separated from the main roadway by dense vegetation. Pedestrian access is also available from the foreshore.

The site is generally level, with a slight fall from the road frontage towards the waterway. The site contains numerous canopy trees, including five trees of medium-high landscape value.

Aerial images of the site and its surrounds is provided in Figures 1 and 2. Images of the site, surrounding dwellings and the streetscape are also provided on the following pages (Figure 3-8).



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



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

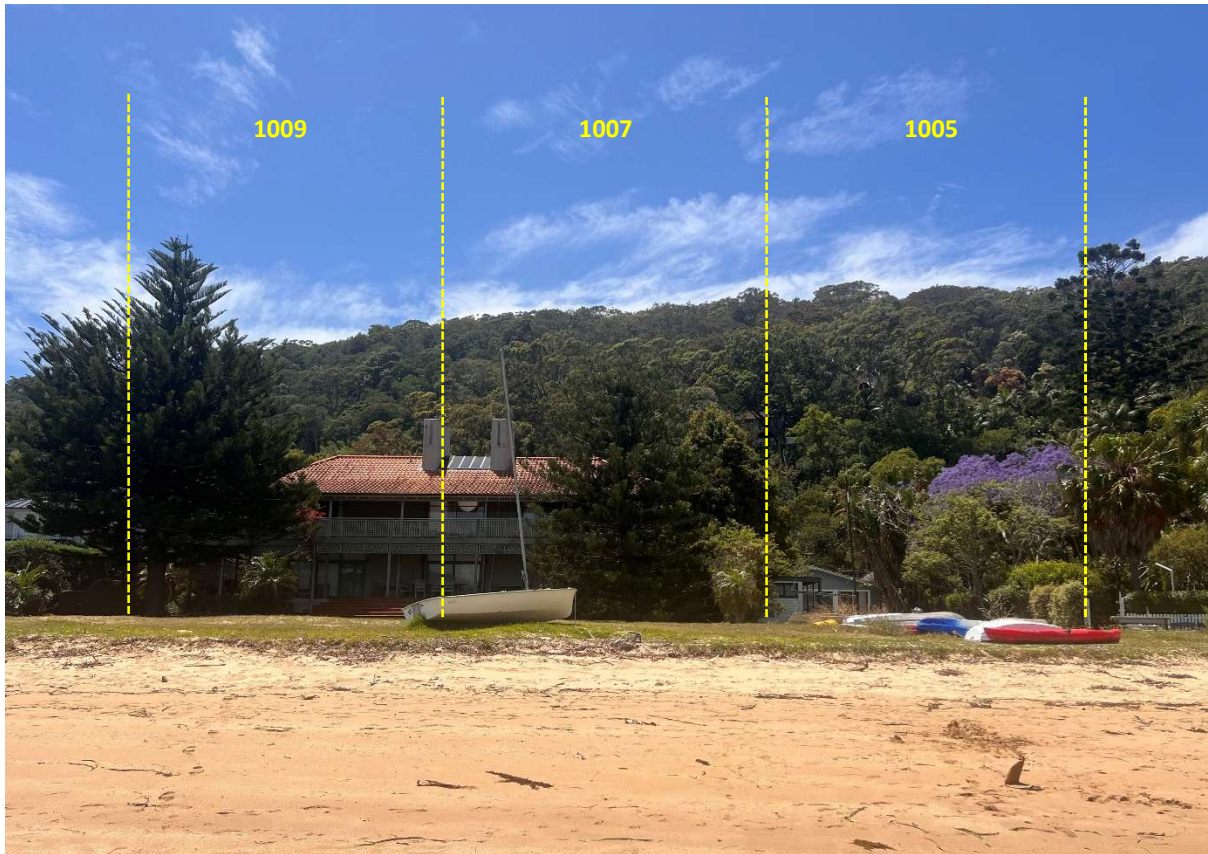


Figure 3 – The site as seen from the waterway
Source: NBP



Figure 4 – The view of the waterway as seen from the public reserve adjacent to the site
Source: NBP



Figure 5 – The site (left) and neighbouring dwellings at No. 1001 (centre) and No. 999 (right)
Source: NBP



Figure 6 – The site (right) and neighbouring dwellings at No. 1011 (centre) and No. 1013 (left)
Source: NBP



Figure 7 –The shared driveway as seen from the intersection of Barrenjoey Road and Iluka Road
Source: NBP



Figure 8 – The site as seen from Barrenjoey Road
Source: Google Streetview

proposed development

The application seeks consent for the construction of a new dwelling house at the subject site. Specifically, the works include:

- Demolition of all structures, including the existing dwelling on Lots 57 and 58,
- Construction of a new two-storey dwelling comprising:
 - Ground Floor
 - entry lobby and lounge,
 - three car garage,
 - one bedroom with WIR and ensuite,
 - drawing room,
 - gym with steam room, sauna and WC,
 - caretaker bedroom with WIR and ensuite,
 - storerooms,
 - laundry,
 - powder room,
 - kitchen with eat-in dining area,
 - scullery with cool room,
 - open plan living and dining,
 - lounge room,
 - rear covered terrace,
 - southern courtyard,
 - northern drying court,
 - internal stair and lift access to first floor,
 - First Floor
 - main bedroom with his/her WIRs and ensuites,
 - three bedrooms with ensuites,
 - bunk room with bathroom,
 - lounge,
 - guest bedroom with WIR and ensuite,
 - internal stair and lift access to ground floor,
- Construction of a swimming pool, and pool terrace with bathroom and equipment store,
- Construction of a new access driveway and internal driveway,
- Construction of a grass court pickleball court,
- Landscaping, including the removal of 15 individual trees and 1 group of trees,
- Construction of retaining walls and fencing,
- Installation of stormwater infrastructure, and
- Connection to essential services.

legislation, plans and policies

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

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- Rural Fires Act 1997
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
 - Coastal Use Area
 - Coastal Environment Area
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
 - Acid Sulfate Soils Map: Classes 3 & 5
 - Lot Size Map: 700m²
 - Land Zoning Map: C4 Environmental Living
 - Height of Buildings Map: 8.5m
 - Geotechnical Hazard Map: H1
 - Foreshore Building Line Map: Foreshore Area
- Pittwater 21 Development Control Plan (**P21 DCP**)
 - Locality Map: Palm Beach Locality
 - Landscaped Area Map: Area 1
 - Bushfire Prone Land Map: Vegetation Buffer
 - Flood Hazard Map: Low, Medium & High Risk Precincts
 - Estuarine Hazard Map: Wave Action and Tidal Inundation

environmental planning and assessment act

In accordance with section 4.14(1) of the EP&A Act, development consent cannot be granted for the carrying out of development for any purpose on bush fire prone land unless the consent authority –

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (**the relevant specifications and requirements**), or*
- (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The development application is accompanied by a Bushfire Risk Assessment Report by Bushfire Planning Services, inclusive of a Bushfire Risk Assessment Certificate confirming that the development conforms with the relevant specifications and requirements of Planning for Bushfire Protection 2019.

In accordance with section 4.15(1) of the EP&A Act requires a consent authority to take into consideration certain matters as are of relevance to the development the subject of the development application. The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

| Clause | Provision | Comment |
|--------|--|---|
| (a) | <p><i>the provisions of—</i></p> <ul style="list-style-type: none"><i>i. any environmental planning instrument, and</i><i>ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i><i>iii. any development control plan, and</i><i>iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <p><i>that apply to the land to which the development application relates,</i></p> | <p>The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement.</p> <p>A LEP Planning Proposal for the new comprehensive Northern Beaches Local Environmental Plan has been submitted for Gateway Determination.</p> <p>The draft instrument has not been the subject of public consultation and is not required to be considered in this development application.</p> |
| (b) | <p><i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p> | <p>The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts</p> |

| Clause | Provision | Comment |
|--------|---|--|
| | | upon the natural or built environment, or any social or economic impacts in the locality. |
| (c) | <i>the suitability of the site for the development,</i> | The subject site is suitable for the proposed development. |
| (d) | <i>any submissions made in accordance with this Act or the regulations,</i> | The application will be notified to all neighbouring properties, with any submissions received to be considered by Council. |
| (e) | <i>the public interest.</i> | The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of PLEP 2014 and P21 DCP. |

state environmental planning policy (resilience and hazards)

Coastal Hazard

The site is identified as land in the coastal use area on the Coastal Use Area Map and the coastal environment area on the Coastal Environment Area Map. The provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable in relation to the site and this proposal, and are considered, as follows:

Development on land within the coastal environment area

The application is accompanied by a Geotechnical Report by White Geotechnical Group, a Flood Risk Management Report by Barrenjoey Consulting Engineers and an Estuarine Risk Management Report by Horton Coastal Engineering which consider the hydrology of the site and confirm that the proposal will not result in any adverse impacts in this regard.

Further, the proposal will not compromise the coastal environment values of the locality or impact upon natural coastal processes, water quality or marine vegetation, with the accompanying Stormwater Management Plans demonstrating compliance with Council's Water Management Policy for waterfront sites.

The application is also accompanied by an Arboricultural Impact Assessment Report by Hugh the Arborist, that considers potential impacts upon existing trees, and detailed Landscape Plans by Wyer & Co that demonstrate the enhancement of native vegetation at the site.

The proposed new dwelling is wholly maintained within private property, and will not impact upon existing public open space, safe access to and along the foreshore or the use of the surf zone.

The site is not known to hold any significance due to Aboriginal cultural heritage, practices and places, nor are there any known sites of significance in the immediate vicinity.

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

Development on land in the coastal use area

The proposed development is maintained within private property and does not result in any impacts upon safe access to and along the foreshore, beach or headland. The proposed dwelling is well articulated, is softened by existing and proposed landscaping and is of a scale that is commensurate with that of surrounding and nearby dwellings.

The proposal has been designed to ensure that impacts upon neighbouring properties and the public domain are appropriately minimised, whilst also providing high levels of internal amenity for residents of the proposed dwelling.

The site does not contain any known items of heritage significance and is not located in the vicinity of any. As such, the proposal is unlikely to result in any impacts upon items of Aboriginal or built heritage significance.

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.11(1) of this policy.

Coastal Zone

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

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

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

state environmental planning policy (biodiversity and conservation)

Vegetation in Non-Rural Areas

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

The application is supported by an Arboricultural Impact Assessment Report prepared by Hugh the Arborist, which assesses potential impacts upon existing trees, with recommendations to ensure that impacts are minimised where trees can be safely retained. As identified in the Arboricultural Impact Assessment Report, the proposed works necessitate the removal of 15 existing canopy trees and one group of canopy trees, including four protected trees (T4, T15, T16 and T17). The loss of these four protected trees is not unreasonable and is offset by replacement plantings nominated on the accompanying Landscape Plans by Wyer & Co, including 30 locally native canopy trees planted at advanced sizes.

The proposed development is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

state environmental planning policy (sustainable buildings)

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

local environmental plan

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

| Clause | Standard | Proposal | Compliance |
|--|----------|----------|-----------------------|
| Clause 2.3 Zone objectives and Land Use Table | | | Yes See discussion |
| Clause 2.7 Demolition requires development consent | | | Yes |

| Clause | Standard | Proposal | Compliance |
|---|----------------|----------------|-----------------------|
| Zone C4 Environmental Living | | | Yes See discussion |
| 4.3 Height of buildings | 8.0m above FPL | 7.9m above FPL | Yes See discussion |
| 4.6 Exceptions to development standards | | | N/A |
| 5.21 Flood planning | | | Yes See discussion |
| 7.1 Acid sulfate soils | Classes 3 & 5 | | Yes See discussion |
| 7.2 Earthworks | | | Yes See discussion |
| 7.7 Geotechnical hazards | | | Yes See discussion |
| 7.8 Limited development on foreshore area | | | Yes See discussion |
| 7.10 Essential services | | | Yes |

Clause 2.3 Zone objectives and Land Use Table and Zone C4 Environmental Living

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

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

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

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

It is clear from the terms of clause 2.3(2) that there is no requirement for development within the zone to comply with, or to achieve, each of the objectives of the zone. Nevertheless, the clause requires that the consent authority “have regard to” those objectives. They are therefore a

mandatory consideration in the assessment process and a proposed development ought not be antipathetic to those objectives.

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

- The proposed new dwelling is responsive to the context and character of the surrounding locality, with a form and scale that is compatible with that of nearby dwellings.
- The dwelling is highly articulated with a form that steps back away from the waterway.
- The proposal will be screened and softened by existing and proposed landscaping.
- The dwelling is maintained below the 8.0m height plane applicable to flood prone land.
- Varied materiality that reflects the coastal seaside location and harmonises with the natural environment is incorporated into the design to further assist in reducing the bulk and scale of the development and to achieve consistency with the desired future character prescribed for the Palm Beach locality.

Clause 4.3 Height of Buildings

Pursuant to clause 4.3(2) of PLEP 2014, the height of any building at the site is not to exceed the height shown on the Height of Buildings Map of PLEP 2014, being 8.5m, measured to ground level (existing). The proposed new dwelling reaches a maximum height of 8.65m measured to ground level (existing).

However, despite clause 4.3(2) of PLEP 2014, clause 4.3(2A) of PLEP 2014 prescribes that development on flood prone land may exceed a height of 8.5m but not more than 8.0m above the flood planning level. As confirmed in the accompanying Flood Risk Management Report by Barrenjoey Consulting Engineers, the flood planning level for the dwelling is 2.81m AHD, and as such, the relevant height limit is 10.81m AHD. The uppermost ridge line of the proposed new dwelling reaches 10.696m AHD which complies with the height limit prescribed by clause 4.3(2A) of PLEP 2014.

Clause 5.21 Flood planning

The site is identified on Council's Flood Hazard Map as being affected by Low, Medium and High Risk flooding, as shown in the extract of Council's Flood Hazard Map at Figure 9. The proposal has been designed to appropriately respond to the flood affectation of the land, as follows:

- The proposed dwelling is to be constructed on an elevated platform approximately 900mm above ground level (existing) and above the flood planning level.
- The proposed pickleball court, swimming pool and cabana are proposed at ground level (existing) and will not impede upon the floodway or flood storage.

The proposal is supported by a Flood Risk Management Report by Barrenjoey Consulting Engineers confirming consistency with Council's Water Management Policy and the provisions of B3.11 of P21 DCP.

As such, Council can be satisfied that the development is consistent with the provisions of clause 5.21 of PLEP 2014, in that the development -

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

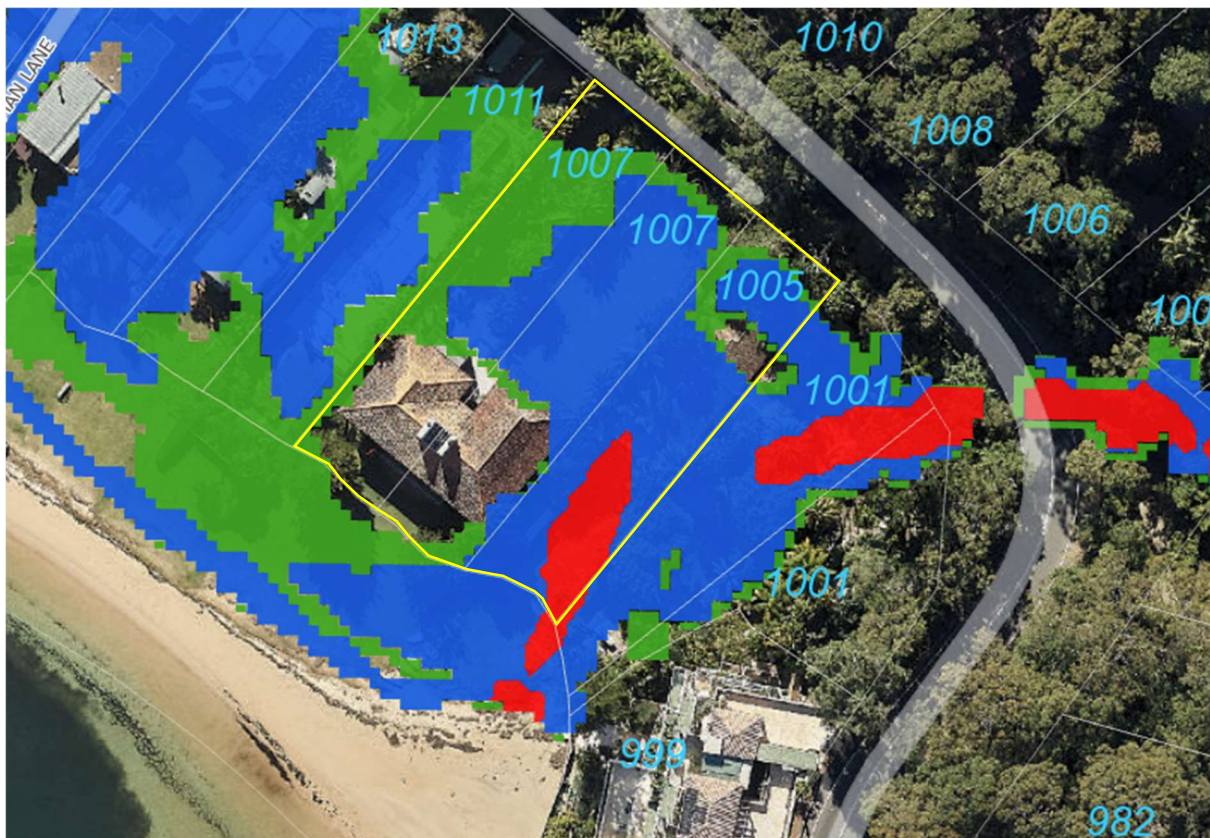


Figure 9 – Extract of Council's Flood Hazard Map with the site bordered in yellow
Source: Northern Beaches Council

Clause 7.1 Acid sulfate soils

The site is located within Areas 3 and 5 on the Acid Sulfate Soils Map of PLEP 2014. Pursuant to subclauses (2) and (3) of clause 7.1 of PLEP 2014, development consent must not be granted to the carrying out of works involving works more than 1m below ground level within Area 3 unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and provided to the consent authority. However, pursuant to subclause (4) of clause 7.1 of PLEP 2014, the acid sulfate soils management plan required by subclause (3) is not required if a preliminary assessment has been undertaken that confirms that an acid sulfate soils plan is not required for the works.

The application is accompanied by an Acid Sulfate Soils Assessment Report by White Geotechnical Group which confirms that no acid sulfate soils were detected at the site and that an acid sulfate soils management plan is not required.

Clause 7.2 Earthworks and 7.7 Geotechnical hazards

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

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

Further, Council can be satisfied that the matters outlined in clause 7.2 of PLEP 2014 have been appropriately considered, as follows:

- *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Comment: As above, the proposal is supported by a Geotechnical Report by White Geotechnical Group and Stormwater Management Plans by Barrenjoey Consulting Engineers to ensure that the proposal does not result in disruption or detrimental effects on drainage patterns or soil stability.

- *the effect of the development on the likely future use or redevelopment of the land,*

Comment: The proposed earthworks have been appropriately minimised and are specifically designed to accommodate the proposed residential development.

- *the quality of the fill or the soil to be excavated, or both,*

Comment: As discussed with regard to SEPP Resilience and Hazards, the site has been used for residential purposes for an extended period of time and does not contain any known sources of contamination.

- *the effect of the development on the existing and likely amenity of adjoining properties,*

Comment: Subject to adherence with the accompanying Geotechnical Report and Stormwater Management Plans, the proposed earthworks will not result in any adverse impacts upon the amenity of adjoining properties. This is particularly relevant in relation to the potential flooding impacts, with the accompanying Flood Risk Management Report by Barrenjoey Consulting Engineers confirming that the proposed development will not result in adverse flood impacts upon neighbouring properties.

- *the source of any fill material and the destination of any excavated material,*

Comment: Excavated material will be removed from the site in accordance with the accompanying Waste Management Plan, with clean fill reintroduced in landscaped areas.

- *the likelihood of disturbing relics,*

Comment: The site does not contain any known relics or items of heritage significance, with the proposed development generally confined to existing disturbed areas of the site.

- *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

Comment: The site is not located within a drinking water catchment and subject to adherence with the accompanying Geotechnical Report and Stormwater Management Plans, the proposal will not result in any adverse impacts upon the waterway. The site is identified as being within an environmentally sensitive area by nature of the C4 Environmental Living zoning, however factors that contribute to this description, including all identified hazards, are appropriately managed.

- *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*

Comment: The proposal has been designed to minimise adverse environmental impacts. Subject to adherence with the accompanying Geotechnical Report and Stormwater Management Plans, the proposed earthworks will not result in any adverse impacts upon the amenity of adjoining properties, with no objection to conditions of consent that impose the requirement for dilapidation reports for neighbouring dwellings and Council assets.

- *the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

Comment: The site is not in a heritage conservation area, does not contain any known items of heritage significance, and is not in the vicinity of any.

Clause 7.8 Limited development on foreshore area

The foreshore building line bisects the site at a distance of approximately 13m from the MHW, as shown in the extract of the Foreshore Building Line Map of PLEP 2104 at Figure 10 on the following page. In accordance with the provisions of clause 7.8(2) of PLEP 2014, development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (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,*
- (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).*



Figure 10 – Extract of the Foreshore Building Line Map of PLEP 2014 with the site bordered in yellow
Source: ePlanning Spatial Viewer

The application seeks consent for a swimming pool and associated fencing that are partly located within the foreshore area. Swimming pools and fencing are both expressly permitted within the foreshore area.

In accordance with the provisions of clause 7.8(3) of PLEP 2014, development consent must not be granted for development on land in the foreshore area unless the consent authority is satisfied of certain matters. These matters are addressed, as follows:

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

Comment: The works the subject of the application are appropriately described as low-impact and have been designed to integrate with the landform and landscape. The proposal steps back from the waterway compared to the existing dwelling on Lots 57 and 58, with enhanced landscaping within the resultant foreshore area. As such, the proposed development will contribute to achieving the objectives of the C4 Environmental Living zone.

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

Comment: The proposed swimming pool will be integrated with the landform, will sit at ground level, and will be complemented by a high-quality landscape solution. The proposed fencing is compatible with fencing on adjoining sites at 1001 and 999 Barrenjoey Road and will be screened by landscaping, creating the same landscaped territorial reinforcement evident on other neighbouring sites including 1011 Barrenjoey Road.

c) *the development will not cause environmental harm such as—*

- i. pollution or siltation of the waterway, or*
- ii. an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
- iii. an adverse effect on drainage patterns, or*
- iv. the removal or disturbance of remnant riparian vegetation, and*

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

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

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

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

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

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

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

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

Comment: N/A

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

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

It is relevant to note that the existing dwelling on Lots 57 and 58 is partly located within the foreshore area. As such, despite the minor incursion associated with the proposed swimming pool and fencing, the proposal results in a significant reduction to development within the foreshore area of the site compared to that which currently exists.

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

development control plan

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

| Clause | Control | Proposal | Compliance |
|--|---|--|-----------------------|
| A1.7 Considerations before consent is granted | Have regard for the matters for consideration under section 4.15 of the EP&A Act. | The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above). | Yes |
| A4.12 Palm Beach Locality | | | Yes See discussion |
| B1.3 Heritage Conservation – General | | | Yes |
| B1.4 Aboriginal Heritage | | | Yes |
| B3.1 Landslip Hazard | Development is to comply with Council's <i>Geotechnical Risk Management Policy for Development in Pittwater 2009</i> . | The application is supported by a Geotechnical Report prepared by White Geotechnical Group. | Yes |
| B3.2 Bushfire Hazard | Development land to which this control applies must comply with the requirements of: <ul style="list-style-type: none"> Planning for Bushfire Protection (2006) Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area. | The application is supported by a Bushfire Risk Assessment Report by Bushfire Planning Services. | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | | | Yes |
| B3.7 Estuarine Hazard – Low density residential | Development is to be protected from the effects of wave action or tidal inundation either by mitigation works to protect the development or ensuring that the floor levels of the development | EPL = 2.6m AHD The application is supported by an Estuarine Risk Management Report by Horton Coastal Engineering. | Yes |

| Clause | Control | Proposal | Compliance |
|--|---|---|------------|
| | are at or above the Estuarine Planning Level. | | |
| B3.11 Flood Prone Land | Development on flood prone land must comply with the prescriptive controls set out in the Matrix in this clause. | FPL = 2.81m AHD The site is identified as being prone to low, medium and high risk flooding. A Flood Risk Assessment Report prepared by Barrenjoey Consulting Engineers accompanies the development application and confirms compliance with the prescriptive controls of this clause. | Yes |
| B4.19 Estuarine Habitat | Development shall not be permitted which could result in the destruction of mangroves or seagrass beds, saltmarsh and other estuarine habitats. | The proposed development will not result in any impacts upon estuarine habitats. | Yes |
| B5.13 Development on Waterfront Land | Development adjoining waterfront land is to be landscaped with local native plants. | | Yes |
| B5.15 Water Management | The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management Policy. | The application is supported by Stormwater Management Plans prepared by Barrenjoey Consulting Engineers. | Yes |
| B6.1 Access Driveways and Works on the Public Road Reserve | Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles (which prescribe a maximum gradient of 1:4 for driveways within the road reserve). | | Yes |
| B6.2 Internal Driveways | Compliance with AS2890.1 | | Yes |
| B6.3 Off-Street Vehicle Parking Requirements | 2 spaces (minimum) | 3 spaces | Yes |

| Clause | Control | Proposal | Compliance |
|---|---|---|------------|
| B8.1 Construction and Demolition – Excavation and Fill | | | Yes |
| B8.3 Construction and Demolition – Waste Minimisation | | | Yes |
| B8.4 Construction and Demolition – Site Fencing and Security | | | Yes |
| B8.5 Construction and Demolition – Works in the Public Domain | | | Yes |
| C1.1 Landscaping | <p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.</p> <p>At least 2 canopy trees are to be provided in the front yard and 1 in the rear yard.</p> | See accompanying Landscape Plans by Wyer & Co. | Yes |
| C1.2 Safety and Security | | | Yes |
| C1.3 View Sharing | All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. | There is no known view corridors obtained over or across the subject site that are likely to be impacted by the proposed development. | Yes |
| C1.4 Solar Access | 3 hours of direct sunlight to the main private open space and windows of principal living areas between 9am and 3pm in mid-winter. | <p>The application is supported by Shadow Diagrams by Kennon, which confirm that the proposed development will not result in any unreasonable impacts upon adjoining properties with regards to solar access.</p> <p>Further, more than 3 hours of sunlight will be received to proposed living rooms and areas of private open space of the proposed new dwelling.</p> | Yes |
| C1.5 Visual Privacy | Private open space and living rooms of adjoining dwellings are to be | The proposed is primarily oriented towards the front and rear of the site and achieves an appropriate balance between maintaining | Yes |

| Clause | Control | Proposal | Compliance |
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| | protected from direct overlooking. | suitable levels of visual privacy and maximising available views. Any potential overlooking from upper level windows along the north-western side elevation is mitigated by the existing vegetation along the north-western side boundary, which is to be maintained and complemented by additional proposed landscaping. | |
| C1.6 Acoustic Privacy | | | Yes |
| C1.7 Private Open Space | | | Yes |
| C1.12 Waste and Recycling Facilities | All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan | The application is accompanied by a Waste Management Plan demonstrating consistency with Council's Waste Management Guidelines. | Yes |
| C1.13 Pollution Control | | | Yes |
| C1.17 Swimming Pool Safety | Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and Regulation. | The proposed swimming pool is designed in accordance with the Swimming Pools Act and Regulation. | Yes |
| C1.23 Eaves | 450mm (min) eaves to all elevations | | Yes |
| C1.25 Plant, Equipment Boxes and Lift Over-Run | Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. | | Yes |
| D12.1 Character as Viewed from a Public Place | Walls without articulation shall not have a length | The proposed development is a high-quality design, with no | No See discussion |

| Clause | Control | Proposal | Compliance |
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| | <p>greater than 8 metres to any street frontage.</p> <p>Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p> | <p>unarticulated walls exceeding 8m in width presenting to the street.</p> <p>The proposed garage is located forward of the 10m front building line.</p> <p>Proposed width of garage: 10.8m</p> | |
| D12.3 Building Colours and Materials | | The proposed development is to comprise neutral tones and natural materials, consistent with the materiality and finishes of surrounding and nearby dwellings. | Yes |
| D12.5 Front Building Line | Barrenjoey Road: 10m | Ground Floor: 8.45m – 11.7m First Floor: 10.2m | No See discussion |
| D12.6 Side and Rear Building Line | NW side: 1.0m SE side: 2.5m Rear: FSBL | NW side: 2.1m – 2.7m SE side: 2.5m – 13.0m Rear: FSBL | Yes |
| D12.8 Building Envelope | <p>Buildings maintained within a plane projected at 45 degrees from FPL along the side boundary.</p> <p>Eaves or shading devices that provide shade in summer and maximise sunlight in winter, shall be permitted to extend outside the building envelope.</p> | As demonstrated on Drawing DA501 of the Architectural Plans, with the exception of the upper floor eaves along the north-western elevation that are permitted to extend outside the building envelope, the proposal is maintained below the prescribed building envelope. | Yes |
| D12.10 Landscaped Area – Environmentally Sensitive Land | 60% | 60% including permitted variations - See Drawing DA504 of the Architectural Plans. | Yes |
| D12.11 Fences | Front fencing to 1.8m may be considered where the site is located on a main or arterial road. | The proposal includes 1.8m high fencing along the front boundary. Whilst not readily visible from Barrenjoey Road, the proposed fencing is consistent with the height of other fencing along the shared driveway. | Yes |

| Clause | Control | Proposal | Compliance |
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| D12.13 Construction, retaining walls, terracing and undercroft areas | | | Yes |
| D12.14 Scenic Protection Category One Area | | | Yes |

Clause A4.12 Palm Beach Locality

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

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

Clauses D12.1 Character as Viewed from a Public Place and D12.5 Front Building Line

Clause D12.5 of P21 DCP prescribes a minimum front building line of 10m for properties fronting Barrenjoey Road. The proposed development is non-compliant in this regard, with an 8.45m setback proposed between the garage and the front boundary. The proposed siting of the garage is also non-compliant with the provisions of clause 12.1 of P21 DCP, which prescribes that garages should be setback behind the front building line, preferably behind the primary dwelling, and limited to a maximum width of 7.5m.

Despite non-compliance with these provisions of P21 DCP, the siting and design of the proposed garage is considered to be acceptable for the following reasons:

- The front boundary of the subject site is setback more than 10m from the roadway of Barrenjoey Road, resulting in a minimum distance of 18.45m between the proposed garage and the roadway.
- The site sits lower than the roadway of Barrenjoey Road, with a retaining wall, shared driveway and landscaping separating the site traffic passing along Barrenjoey Road.
- There is no footpath along this stretch of Barrenjoey Road, and the site will not be readily visible by any pedestrians attempting to walk along Barrenjoey Road.
- The garage is appropriately integrated with the design of the dwelling.

- The width of the garage is appropriate in light of the width of the site.
- The siting of the garage is consistent with that of other structures presenting to the shared driveway.

Further, the non-compliance is supportable as the proposal is consistent with the outcomes of the front building line control, as follows:

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

Comment: As discussed with regard to A4.12 of P21 DCP, the proposed new dwelling is consistent with the desired future character of the Palm Beach Locality.

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

Comment: The proposed non-compliance with the front building line does not result in any adverse impacts upon views from the public domain or adjoining properties.

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

Comment: The non-compliance does not result in adverse impacts associated with Barrenjoey Road, particularly when the non-compliance is limited to the proposed garage.

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

Comment: The proposed development will result in the significant enhancement of native landscaping on the site, ensuring that the visual impact of the resultant development is appropriately minimised.

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

Comment: Vehicles can turn within the forecourt or reverse onto the shared driveway to enable passage onto Barrenjoey Road in a forward direction. In no circumstances will vehicles be required to reverse onto the main roadway of Barrenjoey Road.

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

Comment: N/A – The site does not have a rural or bushland character. Nonetheless, the landscaped character of the site is preserved and enhanced by virtue of proposed landscaping demonstrated in the accompanying Landscape Plans by Wyer & Co.

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

Comment: The front building line non-compliance will not detract from the existing streetscape, noting that the proposed siting of the garage is generally consistent with the location of and other structures along the shared driveway.

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

Comment: The proposal seeks to provide safe and convenient vehicular access and to meet the minimum parking requirements prescribed by clause B6.3 of P21 DCP. Whilst not readily visible from Barrenjoey Road, the proposal has an attractive street frontage.

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

Comment: The front setback of the proposed dwelling is appropriately responsive to that of surrounding and nearby dwellings, noting that other structures are located forward of the 10m minimum front building line along the length of the shared driveway.

conclusion

The proposal is a well resolved and considered design solution for the site, which has high regard for the amenity of adjoining properties and the context of the site. The proposal will not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the objectives of the C4 Environmental Living zone.

The proposal involves non-compliance with the front building line control of P21 DCP. However, the non-compliance is reasonable in consideration of the specific context of the site, which is accessed via a shared driveway and not readily visible from Barrenjoey Road, and as the outcomes of the control are nonetheless achieved.

The dwelling steps back from the waterway compared to the existing dwelling on Lots 57 and 58, with enhanced landscaped area and landscaping within the resultant foreshore area. The visual impact of the proposal as seen from the waterway is further minimised by virtue of the single storey nature of the waterway façade and the L-shaped upper floor, which is sited with its narrowest end presenting to the rear.

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



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