



Development Application
Statement of Environmental Effects

Dwelling House
287 Whale Beach Road, Whale Beach NSW 2107

Prepared for James & Anna Markham

Beam Planning acknowledge that Aboriginal and Torres Strait Islander peoples are the First Peoples and Traditional Custodians of Australia. We pay respect to Elders past and present and commit to respecting the lands we walk on, and the communities we work with.

Author:	Chris Forrester Director	cforrester@beamplanning.com.au 0421 946 990
----------------	-----------------------------	--



Author:	Lexie Drury Planner	ldrury@beamplanning.com.au
----------------	------------------------	----------------------------



Reproduction of this document or any part thereof is not permitted without written permission of Beam Planning.



Beam Planning Pty Ltd | ABN 78 674 643 095 | beamplanning.com.au

Contents

What You Need to Know	6
1.0 Site Analysis	7
1.1 About the Site	7
1.2 Surrounding Development	9
2.0 The Proposed Development.....	10
2.1 Demolition and Site Preparation.....	10
2.2 Proposed Dwelling	11
2.3 Key Numbers	13
3.0 Planning Assessment.....	14
3.1 Statutory Framework	14
3.2 Key Matters	26
3.3 Other Matters	31
3.4 Social and Economic Impacts	32
3.5 Suitability of the Site for Development.....	32
3.6 Public Interest.....	32
3.7 Notification.....	32
3.8 Development Contributions	32
4.0 Conclusion	32

Figures

Figure 1	Subject site (outlined in red)	6
Figure 2	3D Render of the Proposed Dwelling House	6
Figure 3	Location Plan	7
Figure 4	Context with respect to Whale Beach.....	7
Figure 5	View of the site from Whale Beach Road looking down	8
Figure 6	View of the site from Whale Beach (subject dwelling outlined in red).....	8
Figure 7	268 Whale Beach Road	9
Figure 8	270 Whale Beach Road driveway	9
Figure 9	Landscaped area before cliff face	9
Figure 10	The site with respect to Whale Beach.....	9
Figure 11	Dwellings immediately west	10
Figure 12	Example of dwellings further west.....	10
Figure 13	Demolition Plan.....	10
Figure 14	Extract of Cut and Fill Plan	11
Figure 15	Extract of Architectural Drawings.....	11
Figure 16	Artistic impression of the proposed dwelling as seen from Whale beach (proposed dwelling outlined in red)..	12
Figure 17	3D Renders of Proposed New Dwelling	
Figure 18	Proposed development in front of foreshore building line	18
Figure 20	Building envelope of Section B	26
Figure 21	Building envelope of Section C	26
Figure 22	Extract of Section Plan.....	27
Figure 23	Extract of Level 3 Plan.....	27
Figure 24	Solar Diagrams Extracts	29
Figure 25	Landscape Plan.....	29
Figure 26	274 Whale Beach Road Perspective (Existing and Proposed).....	30
Figure 27	289 Whale Beach Road Perspective (Existing and Proposed).....	30
Figure 28	285 Whale Beach Road Perspective (Existing and Proposed).....	30

Tables

Table 1	Summary of consistency with State Environmental Planning Polices	14
Table 2	Assessment against <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	14
Table 3	Assessment against Pittwater Local Environmental Plan 2014	16
Table 4	Compliance with Pittwater DCP 2021	19
Table 5	Compliance with Pittwater DCP 2021 Side and Rear Setback Objectives (Section 12.6)	28
Table 6	Summary of the other technical assessments	31

Appendices

Appendix	Title	Prepared by
A.	Site Survey	<i>Adam Clerke Surveyors Pty Ltd</i>
B.	Architectural Plans	<i>Cadence and Co Design Pty Ltd</i>
C.	Cut and Fill Plans	<i>Cadence and Co Design Pty Ltd</i>
D.	Landscape Plan	<i>Wyer & Co</i>
E.	Coastal Engineering Advice	<i>Horton Coastal Engineering</i>
F.	Arboricultural Impact Assessment Report	<i>Urban Arbor Pty Ltd</i>
G.	Erosion and Sediment Control Plan	<i>TTW</i>
H.	Geotechnical Risk Management Policy	<i>White Geotechnical Group Pty Ltd</i>
I.	Waste Management Plan	<i>Cadence and Co Design Pty Ltd</i>
J.	Stormwater Plan	<i>TTW</i>
K.	Estimated Development Cost	<i>Newton Fisher Group</i>
L.	BASIX Certificate	<i>Daniela Russo</i>
M.	External Finishes Schedule	<i>Cadence and Co Design Pty Ltd</i>
N.	Owners Consent	-

What You Need to Know

Where is the site?

287 Whale Beach Road, Whale Beach NSW 2107



Figure 1 Subject site (outlined in red)

Source: SixMaps

What is this DA for?

This DA is for the demolition of all existing structures and the construction of a dwelling house with secondary dwelling overtop of the garage, swimming pool and ancillary landscaping.



Figure 2 3D Render of the Proposed Dwelling House (indicative colours – refer **Appendix M**)

Source: Cadence and Co

Does it comply with the relevant planning controls?

The proposed development is compliant with the requirements of the relevant State Environmental Planning Policies (SEPPs) as well as the *Pittwater Local Environmental Plan 2013* (Pittwater LEP 2013). Minor variations are proposed to a number of controls within the Pittwater DCP, as outlined in **Section 3.1.4**.

What are the key impacts and how will they be managed?

The proposal addresses elements of residential amenity such as privacy, view sharing and overshadowing. As shown in the DCP assessment under **Section 3.1.4**, no unwarranted adverse impacts are expected. Appropriate construction methodology will also be implemented to mitigate risks associated with the slope of the site and its location on a sea cliff.

Who is responsible for approving it?

Why should it be approved?

The DA will be assessed by the Northern Beaches Council and has the ability to be approved under officer delegation.

The proposed development should be approved as it maintains the site for low-density residential purposes in keeping with the objectives of the C4 zone and is generally consistent with the key provisions of the LEP and DCP. The site is highly suitable for development, with no evidence of contamination, heritage, or biological sensitivity, and the proposal adheres to all relevant standards. Additionally, the development promotes high-quality sustainable design in terms of its architectural form and landscaping and is compatible with the existing and desired future character of the area.

1.0 Site Analysis

1.1 About the Site






 Address	287 Whale Beach Road, Whale Beach NSW 2107	
 Legal Description	Lot 187 in DP15376	
 Site Area	1,157m ² . Refer to Site Survey at Appendix A.	
 Owner	James & Anna Markham	

Figure 3 Location Plan
 Source: SixMaps

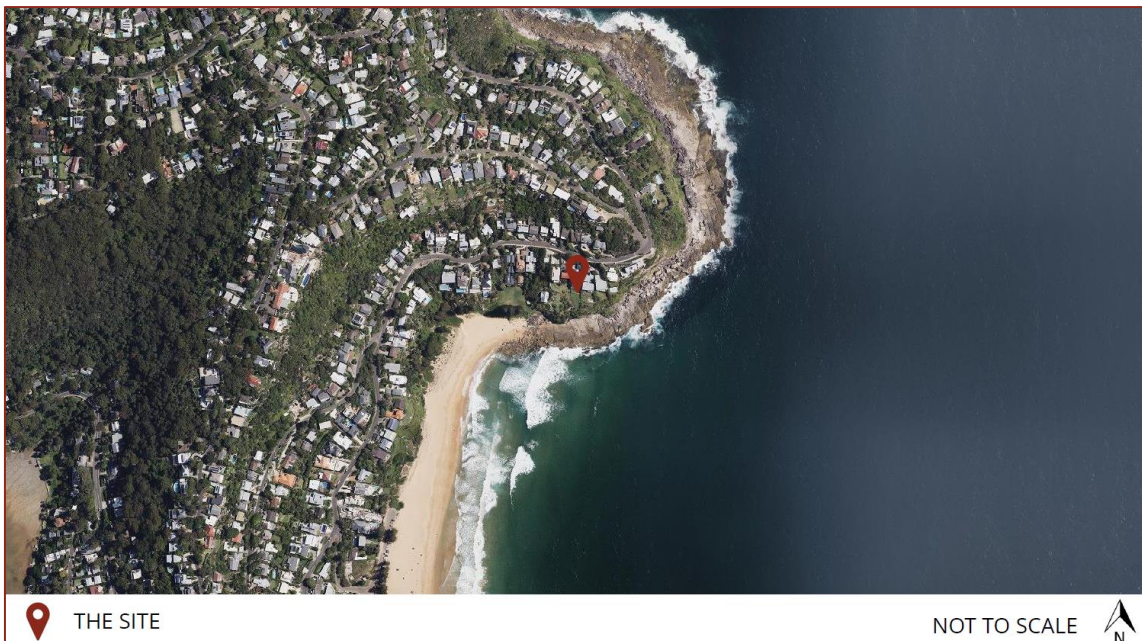


Figure 4 Context with respect to Whale Beach
 Source: SixMaps

Key Information about the Site

The site sits upon the southern side of Little Head Headland, fronting Whale Beach. It currently comprises (see **Figures 5** and **6**):

- A 2-storey dwelling house;
- Detached garage; and
- Landscaping.



Figure 5 View of the site from Whale Beach Road looking down

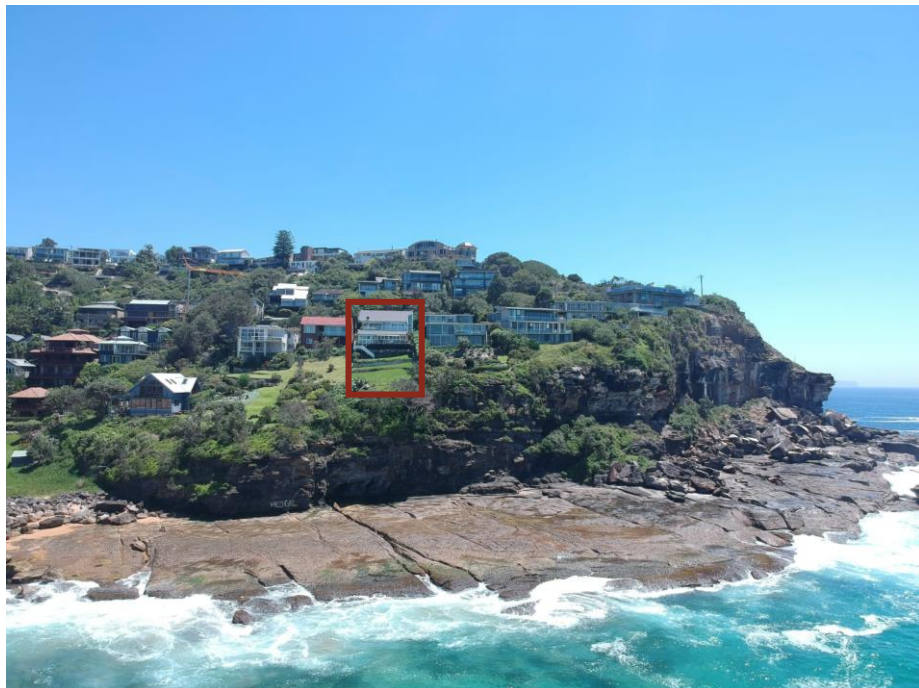






Figure 6 View of the site from Whale Beach (subject dwelling outlined in red)



Existing
Development

 Vegetation	According to the Arboricultural Impact Assessment Report, prepared by Urban Arbor (Appendix F), seven trees currently exist on the site.
 Site Access	The site is accessible via Whale Beach Road. A common access road reserve driveway is shared between the site as well as neighbouring properties 285, 283, and 281 Whale Beach Road.
 Topography	The site slopes significantly towards the coastline. As noted in the Site Survey (Appendix A), the site falls from a height of approximately RL 37 at its northern frontage down to approximately RL 21 at the rear of the lot before reaching the cliff face.
 Hazards	The site is not prone to flooding or bushfire. The Pittwater LEP identifies the site as a Geotechnical Hazard H1 and prone to bluff/cliff instability. The existing and proposed dwelling are significantly set back from the cliff face.

1.2 Surrounding Development

To the north of the site, on the opposite side of Whale Beach Road, are detached residential dwellings located on steep sites up the headland. The dwellings are typically large, 2-3 storeys houses with a mix of traditional and contemporary styles.



Figure 7 268 Whale Beach Road



Figure 8 270 Whale Beach Road driveway

To the south of the site is Whale Beach. The rock formations are accessible via the beach to its south-west and stretch over the headland connecting to Palm Beach to its north. The site boundary extends to the cliff face of the headland.



Figure 9 Landscaped area before cliff face



Figure 10 The site with respect to Whale Beach

To the east of the site are four residential properties of a similar nature to that proposed. The four detached dwelling houses each have a separate access and address the Whale Beach outlook. The dwellings are typically 3 storeys and step down towards the cliff face.

To the immediate west of the site are three detached dwelling houses of 2-3 storeys in height. The two closest dwellings are situated at the Whale Beach Road end of the site, generally in alignment with the proposed dwelling, and the dwelling at 281 Whale Beach Road is located within the foreshore area along the southern boundary of the site. Further west along Whale Beach Road is a series of 3-5 storey buildings which have been recently completed or under construction.



West



Figure 11 Dwellings immediately west

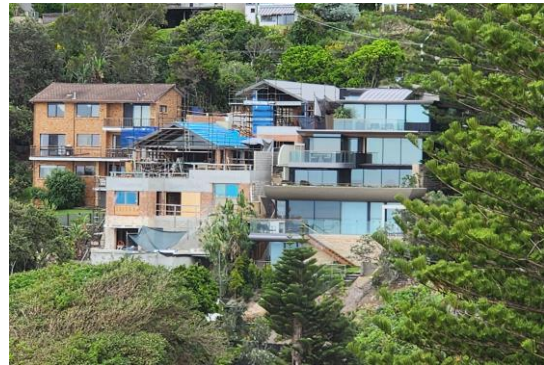


Figure 12 Example of dwellings further west

2.0 The Proposed Development

2.1 Demolition and Site Preparation

Consent is being sought for the demolition of all existing structures in accordance with the Demolition Plan, prepared by Cadence and Co Design Pty Ltd (**Appendix B** - see **Figure 13** below). Excavation is proposed in accordance with the submitted Cut and Fill Plans, also prepared by Cadence and Co Design Pty Ltd (**Appendix C** - see **Figure 14** below), to prepare the site for development. It is proposed to excavate down to RL 27.6 which represents a maximum depth of 3.7m, with the extent of excavation varying with the fall of the site and to accommodate a rainwater tank, basement level and swimming pool. Minor fill is also proposed in locations to level the site.

All 7 of the existing significant trees on the site will be retained and protected as part of the development. All other minor vegetation will be cleared.

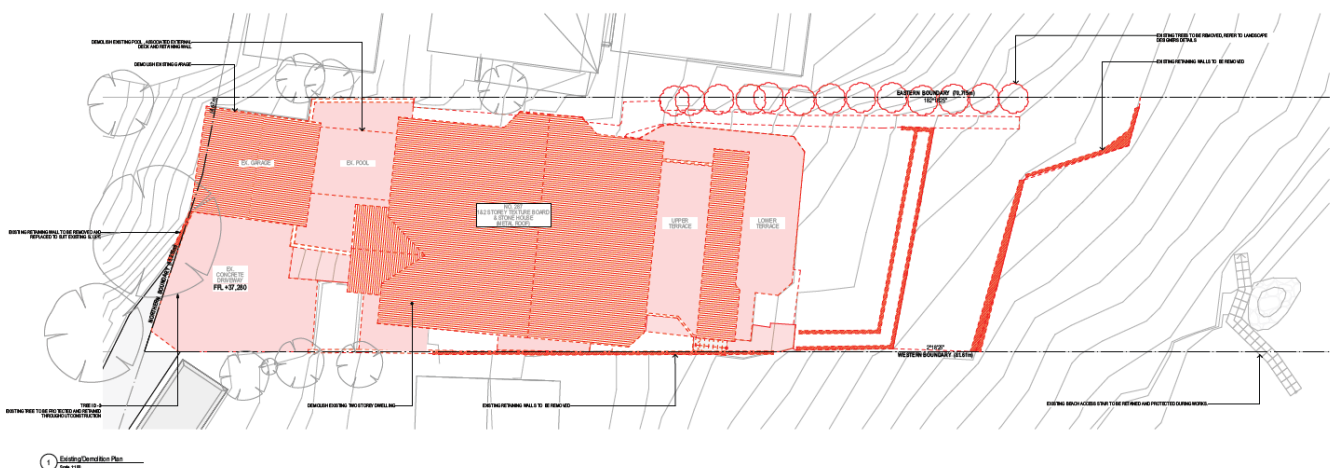


Figure 13 Demolition Plan

Source: Cadence and Co (2024)

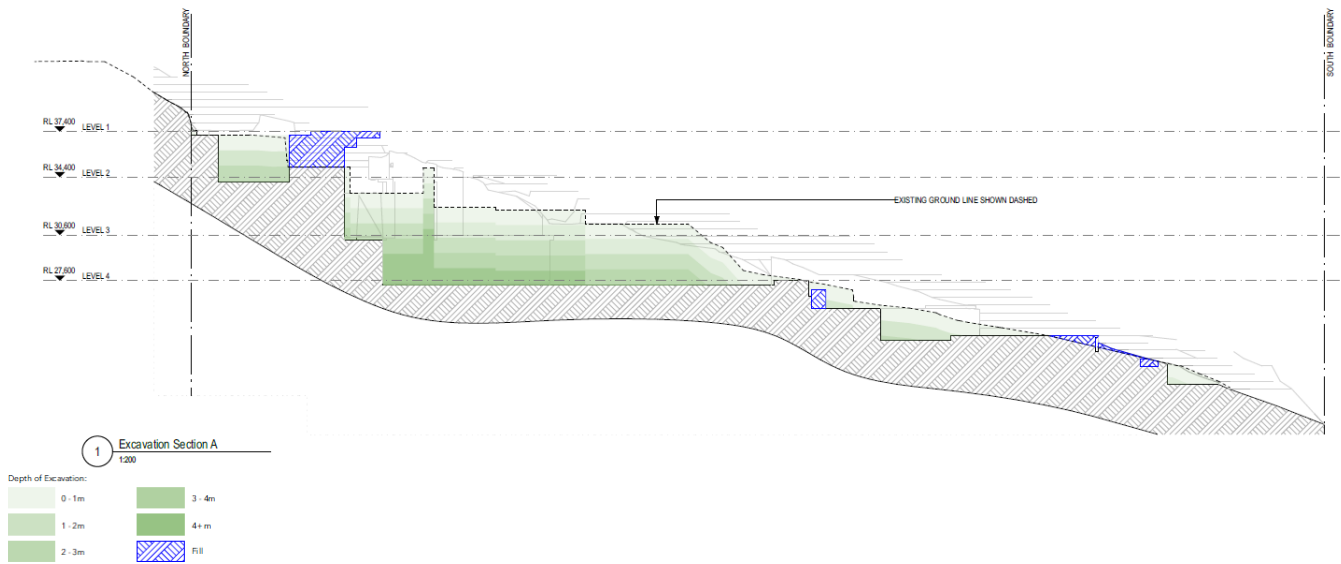


Figure 14 Extract of Cut and Fill Plan

Source: Cadence and Co (2024)

2.2 Proposed Dwelling

The DA seeks consent for the construction of a new 3-4 storey residential dwelling, including:

- A bedroom, ensuite and guest room / study on Level 1;
- 4 bedrooms with ensuites, a bunk room, bathroom and terrace on Level 2;
- Open plan kitchen, living and dining area opening up to an outdoor terrace at Level 3, along with a media room and storage;
- A wellness area on Level 4 with indoor pool, gym, sauna, rumpus room and cellar;
- An outdoor pool, stepped landscaped lawns and a fire pit area;
- A garage with studio (secondary dwelling) above;
- New driveway with turntable; and
- A 50,000L underground rainwater tank.

An extract of the architectural drawings prepared by Cadence and Co Design Pty Ltd (**Appendix B**) illustrating the proposed development are included below at **Figure 15**. 3D renders of the proposed development are shown at **Figure 16**.

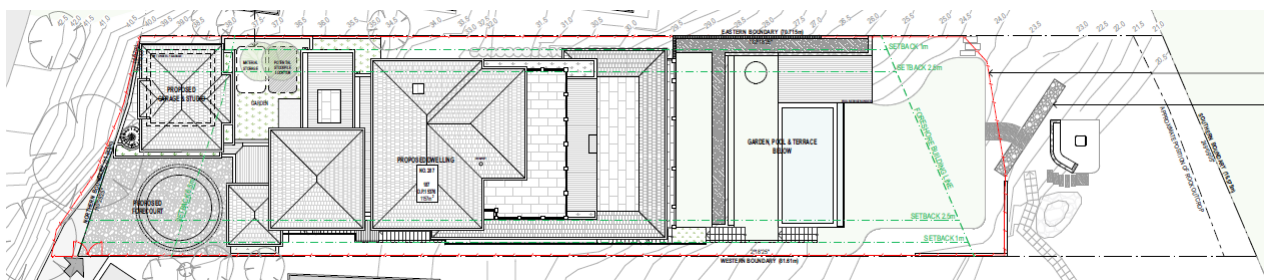


Figure 15 Extract of Architectural Drawings

Source: Cadence and Co (2024)



Figure 16 Artistic impression of the proposed dwelling as seen from Whale beach (proposed dwelling outlined in red) (indicative colours – refer to External Finishes Schedule in **Appendix M**)

Source: Cadence and Co (2024)



1 **Exterior**



2 **Exterior Viewpoint**



3 **Exterior & Hill Viewpoint**

Figure 17 3D Renders of Proposed New Dwelling (indicative colours – refer to External Finishes Schedule in **Appendix M**)

Source: Cadence and Co (2024)

2.3 Key Numbers

Component	Proposal	
GFA	831.39m ²	
Maximum Height	10m	
Setbacks	Front	Nil (garage)
	Side (west)	1 – 2.5m
	Side (east)	1 – 2.5m
	Rear	14.9 – 19.8m (to foreshore building line)
Site Coverage	40%	
Landscaped Area	694.36m ² (60%)	
Car Parking	2 spaces	

3.0 Planning Assessment

This section provides an assessment of the matters the consent authority must consider when determining a development application under Section 4.15(1) of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

3.1 Statutory Framework

3.1.1 State Environmental Planning Policies

The relevant state environmental planning policies are assessed in **Table 1**.

Table 1 Summary of consistency with State Environmental Planning Policies

Plan	Provision	Comments
SEPP (Resilience and Hazards) 2021	Chapter 2 s2.10 and s2.11	The site falls within the Coastal Use zone and partially within the Coastal Environment zone. An assessment against the relevant provisions is provided at Table 2 .
	Chapter 4	Section 4.6(1)(b) requires the consent authority to be satisfied that the land is suitable in its contaminated state, or will be suitable after remediation, for the purpose for which the development is proposed to be carried out. The site has historically been used for residential purposes and there is no evidence of any past uses that may have resulted in its contamination. Accordingly, the remains suitable for its ongoing residential use.
SEPP (Sustainable Buildings) 2022		In accordance with the requirements of Chapter 2 of the SEPP, a BASIX Certificate is provided at Appendix M which demonstrates how the development meets the relevant sustainability targets.

Table 2 Assessment against *State Environmental Planning Policy (Resilience and Hazards) 2021*

Provision / Standard	Proposal
Section 2.10 Development on land within the coastal environment area	
(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— (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposal seeks to replace an existing dwelling and will utilise similar stormwater drainage arrangements as existing. A Construction Management Plan will also be prepared at the Construction Certificate stage to mitigate construction risks and to ensure the development does not adversely impact the integrity of the biophysical, hydrological and ecological environment.
(b) coastal environmental values and natural coastal processes,	The proposal is located on top of a cliff, well above sea level and therefore will not impact on wave action or other natural coastal processes.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The site does not encompass land or exist in the vicinity of any of the sensitive coastal lakes listed in Schedule 1.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The development does not include the removal of any marine or native vegetation and will not impact on fauna habitat or undeveloped headlands.
(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,	The proposed development does not impede upon any existing public access to public land, headland or along the foreshore.
(f) Aboriginal cultural heritage, practices and places,	The site is not identified as containing any Aboriginal cultural heritage items or sites and is unlikely to uncover any items of potential significance given it involves the replacement of an existing dwelling. A standard condition of

	consent for a stop works order can be applied to the site if excavation reveals Aboriginal Cultural Heritage Significance.
(g) the use of the surf zone.	No works are proposed in the surf zone.
(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	No adverse impacts are expected following an assessment of the proposed development against the criteria in subsection (1).
2.11 Development on land within the coastal use area	
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— (a) has considered whether the proposed development is likely to cause an adverse impact on the following— (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposed development does not impede upon any existing public access to public land, headland or along the foreshore. Shadow Diagrams, prepared by Cadence and Co Pty Ltd (Appendix B), demonstrate that no shadows will be cast onto public lands. Given the scale of the development, being low density residential, wind funnelling is not expected to be an issue. As a result of the topography and vegetation within the road reserve, no significant views are obtained from Whale Beach Road to the foreshore that would be impacted by the proposal.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposed dwelling does not impede upon the scenic qualities of the headlands as a result of its use of sympathetic materials, landscaping and appropriate scale which are all in-keeping with existing patterns of development on the headland.
(iv) Aboriginal cultural heritage, practices and places,	The site is not identified as containing any Aboriginal cultural heritage items or sites and is unlikely to uncover any items of potential significance given it involves the replacement of an existing dwelling. A standard condition of consent for a stop works order can be applied to the site if excavation reveals Aboriginal Cultural Heritage Significance.
(v) cultural and built environment heritage, and (b) is satisfied that— (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The site is not identified as containing any cultural heritage items or sites. No adverse impacts are expected following an assessment of the proposed development against the criteria in subsection (1). The proposed development has been designed in response to the planning controls and surrounding built form and natural character of the site. Refer to Section 3.2.1 below.

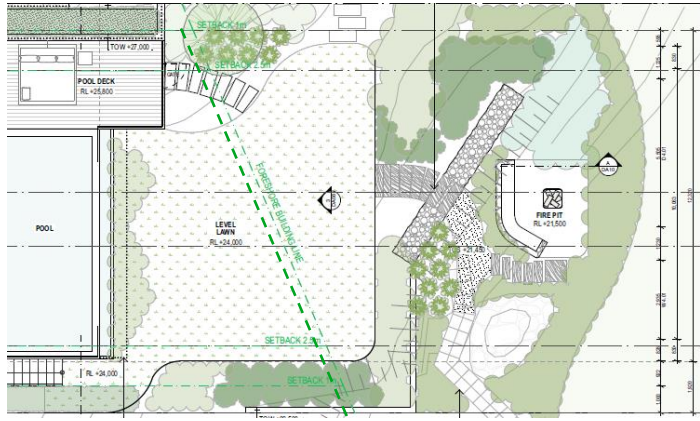
3.1.2 Pittwater Local Environmental Plan 2014

An assessment against the relevant clauses of Pittwater Local Environmental Plan 2014 (PLEP 2014) is provided in **Table 3**.

Table 3 Assessment against Pittwater Local Environmental Plan 2014

Clause	Standard	Proposal	Comment	
Clause 2.3 Zone objectives and land use table	C4 Environmental Living	Dwelling House with Secondary Dwelling	The proposed use of the site for a dwelling house and secondary dwelling is permissible in the zone. The proposed development is consistent with the objectives of the zone in that it will provide for residential development of a low density and scale integrated with the landform and landscape.	
Clause 4.3 Height of buildings	An 8.5m height limit applies to the site. Despite this, 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—		The development has a maximum height of 10 metres but is predominantly less than 8.5 metres in height.	
	(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		The portion of the development that protrudes above 8.5 metres is minor, relating to the roof of only a small portion of the overall dwelling.	
	(b) the objectives of this clause are achieved, and	(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,		Refer to Table 6 below. The proposed development is consistent with the key elements of the desired future character for the Palm Beach locality.
		(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,		Refer to Table 6 and Section 3.2.1 below. From Whale Beach Road, only the rooftop of the dwelling is visible. When viewed from Whale Beach, the dwelling is compatible with the height and scale of surrounding sites that have also undergone redevelopment or significant renovation in recent years.
		(c) to minimise any overshadowing of neighbouring properties,		Shadow diagrams have been prepared by Cadence and Co Pty Ltd (Appendix B) and an assessment of solar access for surrounding properties has been conducted in Section 3.2.4 .
		(d) to allow for the reasonable sharing of views,		Refer to Section 3.2.6 . The proposal will not result in any unacceptable impacts to views from the public domain or neighbouring private residences.
		(e) to encourage buildings that are designed to respond sensitively to the natural topography,		The topography of the site allows the built form to step down with the slope and the landscape design ensures the building integrates with the natural elements of the headland. When viewed from the beach, landscaping remains the prominent feature of the foreshore area and vegetation continues to form a constant backdrop to the dwellings situated along Whale Beach Road. In this respect, the building height remains below the tree canopy and the horizontal massing aligns with the surrounding built form.
(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.		The proposed development includes significant vegetation, consisting of a mixture of endemic and exotic species, which minimises visual bulk and scale of the dwelling while increasing the site's integration with surrounding habitats. The site does not contain, nor is it adjacent to, any heritage sites or heritage conservation areas.		

Clause	Standard	Proposal	Comment				
	(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and		The building footprint is situated on a slope of 17.7 degrees.				
	(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.		The building has been stepped down the slope to minimise the extent of cut and fill where possible.				
Clause 4.4 Floor space ratio	No FSR provisions for the site exist.						
Clause 5.21 Flood Planning	The site is not within a flood risk area.						
Clause 5.4 Controls relating to miscellaneous uses	The secondary dwelling is permitted on the site. It has an area of approximately 35m ² and therefore does exceed the maximum size control.						
Clause 7.1 Acid Sulfate Soils	<p>(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <table border="1"> <thead> <tr> <th>Class of land</th> <th>Works</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td> </tr> </tbody> </table>	Class of land	Works	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.		The site is identified as containing Class 5 acid sulfate soils and is not within 500m of any Class 1-4 acid sulfate soils. Accordingly, an acid sulfate soils management plan is not required.
Class of land	Works						
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.						
Clause 7.2 Earthworks	<p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p>		Consent is sought for earthworks. A Sediment and Erosion Control Plan is provided at Appendix G to prevent any impacts on soil stability, adjoining properties or the waterway. The site is not identified as containing any cultural heritage items or sites.				
Clause 7.5 Coastal Risk Planning	<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is not likely to cause detrimental increases in coastal risks to other development or properties, and</p> <p>(b) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and</p> <p>(c) incorporates appropriate measures to manage risk to life from coastal risks, and</p>		The site is classified as “Bluff / Cliff Instability” in the Coastal Risk Planning Map. Coastal Engineering Advice, prepared by Horton Coastal Engineering (Appendix E) addresses the risks associated with the classification of the site as “Bluff / Cliff Instability”. The conclusion of the report states that the proposed development would not increase coastal risks nor alter coastal processes and the impacts of coastal hazards, as it				

Clause	Standard	Proposal	Comment
	<p>(d) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line, and</p> <p>(e) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and</p> <p>(f) has regard to the impacts of sea level rise, and</p> <p>(g) will have an acceptable level of risk to both property and life, in relation to all identifiable coastline hazards.</p>		<p>would not affect the wave impact process at the base of the cliff.</p> <p>Furthermore, a Geotechnical Assessment, prepared by White Geotechnical Group (Appendix H), found that no geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.</p>
<p>Clause 7.7 Geotechnical Hazards</p>	<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—</p> <p>(a) site layout, including access,</p> <p>(b) the development's design and construction methods,</p> <p>(c) the amount of cut and fill that will be required for the development,</p> <p>(d) waste water management, stormwater and drainage across the land,</p> <p>(e) the geotechnical constraints of the site,</p> <p>(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless—</p> <p>(a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and</p> <p>(b) the consent authority is satisfied that—</p> <p>(i) 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, or</p> <p>(ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or</p> <p>(iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.</p>		<p>The site is identified as containing land subject to "Geotechnical Hazard H1". A Geotechnical Report has been prepared by White Geotechnical Group Pty Ltd (Appendix H) addressing this clause and has concluded that the development will achieve an "acceptable" level of risk, as defined by the Geotechnical Risk Management Policy for Pittwater (2009). The design incorporates appropriate measures to manage wastewater, stormwater, and drainage, ensuring that the rate, volume, and quality of water leaving the site are not adversely affected. The proposed development has been designed and sited to avoid significant geotechnical risks where possible and minimise or mitigate those that cannot be entirely avoided. Construction methods, including controlled excavation techniques and vibration monitoring, are tailored to the site's conditions to reduce potential impacts.</p>
<p>Clause 7.8 Limited development on foreshore area</p>	<p>As shown at Figure 18, the new dwelling does not extend into the foreshore area. Only minor works involving landscaping and a fire pit are proposed over the foreshore building line which is permitted in accordance with Clause 7.8(2). These works will not impact on natural foreshore processes, impact the significance or amenity of the area or impede public access along the foreshore below the Site.</p>  <p>Figure 18 Proposed development in front of foreshore building line Source: Cadence and Co Pty Ltd (2024)</p>		

3.1.3 Development Control Plans

The proposal is generally consistent with the objectives of the Pittwater Development Control Plan (DCP) 2021 and the relevant development controls. Key provisions in the DCP are identified in **Table 4** and discussed in the following sections of this environmental assessment.

Table 4 Compliance with Pittwater DCP 2021

Section	Control	Comments/Proposal
A4.12 Palm Beach Locality	<p>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.</p> <p>Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.</p> <p>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.</p> <p>Palm Beach will remain an important link to the offshore communities.</p>	<p>The proposed development is consistent with the key elements of the desired future character for the Palm Beach Locality.</p> <p>Whilst the locality statement highlights a desire for two-storey dwelling houses, the proposed development is compliant with the maximum height limit specified under the Pittwater LEP 2014 and is in-keeping with the scale of other surrounding development.</p> <p>From Whale Beach Road, only the rooftop of the dwelling is visible.</p> <p>The topography of the site allows the built form to step down with the slope and the landscape design ensures the building integrates with the natural elements of the headland. Therefore, when viewed from Whale Beach, landscaping remains the prominent feature of the foreshore area and vegetation continues to form a constant backdrop to the dwellings situated along Whale Beach Road. In this respect, the building height remains below the tree canopy and the horizontal massing aligns with the surrounding built form.</p> <p>The colours and finishes proposed (refer Appendix M) are consistent with the profile of surrounding dwellings and are complementary to the natural environment.</p> <p>The proposed development employs high quality architectural design and landscaping treatments and will significantly contribute to the surrounding built and natural environment.</p>
B3.1 Landslip Hazard	<ul style="list-style-type: none"> All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5). Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the 	<p>A Geotechnical Report prepared by White Geotechnical Group (Appendix H) concludes the development is suitable for the site provided it is carried out in accordance with the requirements of the study. Coastal</p>

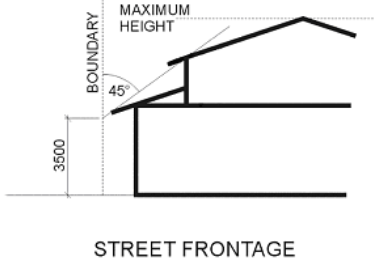
Section	Control	Comments/Proposal
	<p>Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <ul style="list-style-type: none"> The development must not adversely affect or be adversely affected by geotechnical processes, nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards. 	<p>Engineering Advice has also been obtained from Horton Coastal Engineering (Appendix E) that notes the proposed development satisfies the requirements of both the SEPP (Resilience and Hazards) 2021 and Section 7.5 of the Pittwater LEP 2014 in relation to coastal hazards.</p>
B3.3 Coastline (Beach) Hazard	<ul style="list-style-type: none"> All development on land to which this control applies must comply with the requirements of the Coastline Risk Management Policy for Development in Pittwater (see Part B Appendix 6). 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. 	As above.
B3.4 Coastline (Bluff) Hazard	<ul style="list-style-type: none"> All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Part B Appendix 5) for the life of the development. Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Part B Appendix 5) for the life of the development. The development must not adversely affect or be adversely affected by geotechnical and coastal processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical and coastal processes. 	As above.
B4.1 Flora and Fauna Conservation	<ul style="list-style-type: none"> Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities. Development shall retain and enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities. Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees. Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds. Caretakers of domestic animals shall prevent them from entering wildlife habitat areas. Fencing, where permitted, shall be passable by native wildlife. 	<p>No significant trees are proposed for removal and all existing trees will be protected during construction. The proposed landscaping incorporates appropriate species, including at least 80% native, and will contribute to a greater connection between existing habitats in the surrounding area.</p>
B4.22 Preservation of Trees and Bushland Vegetation	<ul style="list-style-type: none"> Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species. Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable 	All 7 trees currently existing on the site will be retained and protected.

Section	Control	Comments/Proposal															
	<p>compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</p> <ul style="list-style-type: none"> • Development must also avoid any impact on trees on public land. • For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted. • Where trees proposed to be retained may be affected by the construction of new buildings and works of Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted. 																
B6.3 Off-street Vehicle Parking Requirements	<ul style="list-style-type: none"> • A two+ bedroom dwelling house requires 2 parking spaces 	2 parking spaces are proposed.															
C1.1 Landscaping	<ul style="list-style-type: none"> • All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. • In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form. • At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form. • Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted. • The following soil depths are required in order to be counted as landscaping: <ul style="list-style-type: none"> - 300mm for lawn - 600mm for shrubs - 1metre for trees • The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: <ul style="list-style-type: none"> - A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments, - 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and - 50% for all other forms of residential development. • Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site. • In bushfire prone areas, species shall be appropriate to the bushfire hazard. • Landscaping shall not unreasonably obstruct driver and pedestrian visibility. • Development shall provide for the reasonable retention and protection of existing significant trees, especially near property 	<p>The proposed landscaping plan, prepared by Wyer & Co (Appendix D) complies with all relevant controls.</p> <p>The below native vegetation is proposed, equating to 80% of total plantings, far exceeding the 50% requirement. The plan incorporates a mix of low-lying shrubs, medium-high shrubs, and canopy trees to soften the built form.</p> <table border="1" data-bbox="1038 1061 1404 1435"> <thead> <tr> <th data-bbox="1038 1061 1270 1128">Proposed vegetation</th> <th data-bbox="1270 1061 1334 1093">No.</th> <th data-bbox="1334 1061 1404 1093">%</th> </tr> </thead> <tbody> <tr> <td data-bbox="1038 1128 1270 1196">Locally native canopy trees</td> <td data-bbox="1270 1128 1334 1196">2</td> <td data-bbox="1334 1128 1404 1196">100</td> </tr> <tr> <td data-bbox="1038 1196 1270 1263">Locally native vegetation</td> <td data-bbox="1270 1196 1334 1263">9</td> <td data-bbox="1334 1196 1404 1263">60</td> </tr> <tr> <td data-bbox="1038 1263 1270 1330">Australian native vegetation</td> <td data-bbox="1270 1263 1334 1330">3</td> <td data-bbox="1334 1263 1404 1330">20</td> </tr> <tr> <td data-bbox="1038 1330 1270 1435">Total locally native and Australian native species</td> <td data-bbox="1270 1330 1334 1435">14</td> <td data-bbox="1334 1330 1404 1435">80</td> </tr> </tbody> </table>	Proposed vegetation	No.	%	Locally native canopy trees	2	100	Locally native vegetation	9	60	Australian native vegetation	3	20	Total locally native and Australian native species	14	80
Proposed vegetation	No.	%															
Locally native canopy trees	2	100															
Locally native vegetation	9	60															
Australian native vegetation	3	20															
Total locally native and Australian native species	14	80															

Section	Control	Comments/Proposal
	<p>boundaries, and retention of natural features such as rock outcrops.</p> <ul style="list-style-type: none"> • Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used. • Noxious and undesirable plants must be removed from the site 	
C1.3 View Sharing	<ul style="list-style-type: none"> • All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. • The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing. • Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials. • Views are not to be obtained at the expense of native vegetation. 	Refer to Section 3.2.6 . The slope of the site allows for properties on the northern side of Whale Beach Road to retain their ocean views. Neighbouring properties will also maintain their ocean views given the orientation of the sites, with only minor impacts to oblique views. No vegetation is being removed for the sole purpose of obtaining a view.
C1.4 Solar Access	<ul style="list-style-type: none"> • 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. • Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows). • Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid-winter. • Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings. • The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access. 	The site is located on the southern side of a headland and is orientated to benefit from views to Whale Beach. As such, solar access to the dwelling is challenging. Notwithstanding, as shown in the shadow diagrams prepared by Cadence and Co (Appendix B), the development achieves a similar level of sunlight to the existing dwelling and avoids significant overshadowing of neighbouring dwellings. Further assessment is provided in Section 3.2.4 .
C1.5 Visual Privacy	<ul style="list-style-type: none"> • Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level). • Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building. • Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below. 	Refer to Section 3.2.1 . The dwelling is orientated south and there are no other dwellings directly between it and Whale Beach. Operable louvres are proposed to the terrace areas to avoid overlooking of neighbouring properties and screen planting is proposed along the side boundaries.
C1.6 Acoustic Privacy	<ul style="list-style-type: none"> • Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like. • Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary. 	Noise sensitive rooms are not located in the immediate vicinity of any main road or noise sources.

Section	Control	Comments/Proposal
C1.7 Private Open Space	<ul style="list-style-type: none"> • Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard. • Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%). • Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas. • Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access). • Private open space should be located to the rear of the dwelling to maximise privacy for occupants. • Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable. • An accessible and usable area for composting facilities within the ground level private open space is required. 	Private open space exists to the rear of the development which is accessible from living spaces and exceeds the minimum amount required of 80m ² . Although the site is located on a southerly facing slope, parts of the private open space receive more than 3 hours of sunlight between 9am and 3pm. The private open space is also large enough to accommodate clothes drying facilities and composting facilities.
C1.12 Waste and Recycling Facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	A Waste Management Plan, prepared by Cadence and Co, has been provided as part of this development application (Appendix I).
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 regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	A swimming pool safety balustrade and gates to meet the relevant requirements of AS 1926.1-2012 are proposed.
C1.20 Undergrounding of Utility Services	<ul style="list-style-type: none"> • All existing and proposed utility services within the site are to be placed underground or encapsulated within the building. • All existing and proposed utility services to the site, or adjacent to the site within a public road reserve, are to be placed underground for the total frontage of the site to any public road. • Design and construction of the undergrounding of utility services is to be at full cost to the developer. 	All utility services will be underground or encapsulated within the building.
C1.23 Eaves	<ul style="list-style-type: none"> • Dwellings shall incorporate eaves on all elevations. • Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters. 	Eaves have been provided.
C1.25 Plant, Equipment Boxes and Lift Over-Run	<ul style="list-style-type: none"> • 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. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement. • Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours. 	<p>The lift overrun is not visually obtrusive as it has been integrated into the roof plan.</p> <p>An A/C services room is located on Level 2 at the northwestern corner and noise will be contained within that room as opposed to utilising external A/C units.</p> <p>Noise generating equipment such as pool pumps are located appropriately to avoid acoustic impacts to neighbouring properties.</p>

Section	Control	Comments/Proposal
D12.1 Character as viewed from a public place	<ul style="list-style-type: none"> • 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. Blank street frontage facades without windows shall not be permitted. • Walls without articulation shall not have a length greater than 8 metres to any street frontage. • Any building facade to a public place must incorporate at least two of the following design features: <ul style="list-style-type: none"> - entry feature or portico; - awnings or other features over windows; - verandahs, balconies or window box treatment to any first floor element; - recessing or projecting architectural elements; - open, deep verandahs; or - verandahs, pergolas or similar features above garage doors. • The bulk and scale of buildings must be minimised. • Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. 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. • Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation. • Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view. • General service facilities must be located underground. • Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space. 	<p>As a result of the topography of the site, extensive vegetation along the front boundary line and the shared driveway access, the proposed development will not be easily seen from Whale Beach Road. Despite this the front façade of the proposed development incorporates design elements such as entry features.</p> <p>From Whale Beach the development will present as a high quality and articulated built form, incorporating awnings, feature windows, terraces and other architectural elements.</p> <p>The proposed garage will largely be hidden between the topography of the road reserve and new dwelling.</p> <p>Landscaping has been integrated with the building design to soften the built form and blend in with the natural elements of the headland.</p> <p>Telecommunication equipment will not readily be visible and service facilities will be located underground.</p>
D12.2 Scenic Protection	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The proposed development is consistent with the character of the natural and built environment of the locality. Given the existing development on the site, it is deemed the proposed development will have no additional visual impact from any waterway, road or public reserve.
D12.5 Front building line	<p>The minimum front building line shall be in accordance with the following table:</p> <ul style="list-style-type: none"> • All other land zoned R2 Low Density Residential or E4 Environmental Living: 6.5 or established building line, whichever is the greater. <p>Variation allowed: Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.</p>	A nil setback is proposed for the proposed garage which is located on a steep slope and is not readily visible from the public domain. The garage replaces an existing garage which also has a nil setback.
D12.6 Side and rear building line	<ul style="list-style-type: none"> • The minimum side and rear building line for built structures including pools and parking structures, other than driveways, 	The western side setback to the wall of the top two storeys of the development complies with the 2.5m setback, however, the bottom two storeys do

Section	Control	Comments/Proposal
	<p>fences and retaining walls, shall be in accordance with the following table:</p> <ul style="list-style-type: none"> - Land zoned R2 Low Density Residential or E4 Environmental Living: 2.5 to at least one side; 1.0 for other side, 6.5 (rear) unless Foreshore Building Line applies 	<p>not. This non-compliance is justified under Section 3.2.3.</p> <p>The eastern side setback is at least 1m which the building complies with.</p> <p>The foreshore building line acts as a rear setback and the building complies.</p>
D12.8 Building envelope	<p>Buildings are to be sited within the following envelope:</p>  <p>The diagram shows a cross-section of a building envelope. A vertical line on the left is labeled 'BOUNDARY' and has a dimension of '3500'. A horizontal line at the bottom is labeled 'STREET FRONTAGE'. A diagonal line starts from the 'STREET FRONTAGE' and goes up to the 'MAXIMUM HEIGHT' of the building. The angle between the 'STREET FRONTAGE' and this diagonal line is marked as '45°'. The building's roofline is shown above the diagonal line.</p>	<p>A minor non-compliance with this control is proposed to accommodate eaves and minor portions of the roof. This is discussed under Section 3.2.2.</p>
D12.10 Landscaped area – environmentally sensitive land	<ul style="list-style-type: none"> • The total landscaped area on land zoned R2 Low Density Residential or E4 Environmental Living shall be 60% of the site area. • The use of porous materials and finishes is encouraged where appropriate. • Any alterations or additions to an existing dwelling shall provide a minimum 60% of the site area as landscaped area. 	<p>The proposal includes 694m² of landscaped area which complies with the 60% requirement. This includes up to 6% impervious landscaping.</p>
D12.13 Construction, retaining walls, terracing and undercroft areas	<ul style="list-style-type: none"> • Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials. • In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing. 	<p>All retaining walls are comprised of sandstone or sandstone like materials.</p>
D12.14 Scenic protection category one areas	<ul style="list-style-type: none"> • Screen planting shall be located between structures and boundaries facing waterways. • Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves. • Development is to minimise the impact on existing significant vegetation. • The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development. • The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development. • The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes. • The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment. • Applicants are to demonstrate that proposed colours and materials will be dark and earthy. 	<p>The proposed development complies with the landscaping and visual integrity controls. Locally native grasses will be planted along the southern boundary to provide buffer planting, while retaining views, and the existing rocky foreshore will be preserved and revegetated with locally native species after the removal of all weeds. Locally native canopy trees will be planted on the eastern and western boundaries to enhance privacy between neighbours and integrate with the natural environment.</p> <p>The development avoids the removal of any existing trees, retaining all 7 on-site, and prioritises the regeneration of native vegetation in areas not required for construction. Additionally, significant vegetation, including a mix of endemic and exotic species, will be introduced to soften the built form and ensure the dwelling integrates with the natural landscape. The proposed measures ensure compliance with controls to retain and enhance</p>

Section	Control	Comments/Proposal
		vegetation and protect the visual character of the site

3.2 Key Matters

This section assesses the key planning issues and likely environmental, social, and economic impacts of the development on the natural and built environment.

3.2.1 Built Form

The proposed development displays minor non-compliances with the requirements of section D12.8 Building Envelope as highlighted yellow in **Figures 19** and **20**. Notwithstanding, the Pittwater DCP allows a variation to this control for *eaves or shading devices that provide shade in summer and maximise sunlight in winter*. In this case, the non-compliance relates solely to the eaves and minor portions of the roof area. These elements are functional design features that align with the intent of the DCP by enhancing thermal efficiency and environmental performance. Given this, it is considered reasonable for the consent authority to apply the variation and approve the design as consistent with the broader objectives of the planning control.

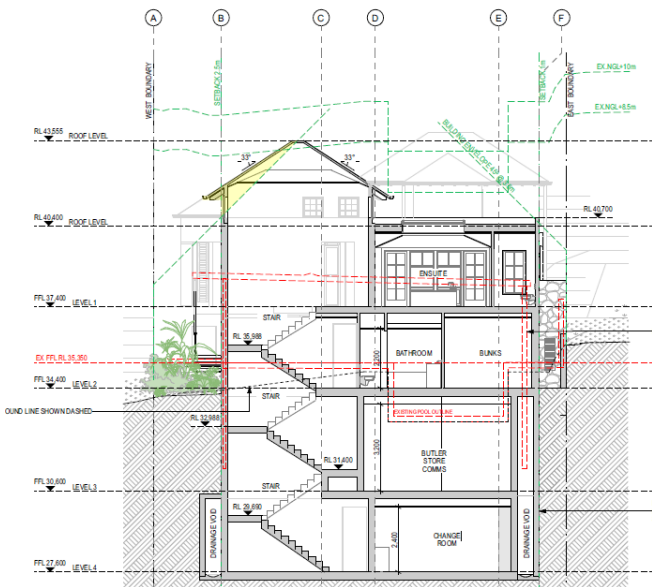


Figure 19 Building envelope of Section B
Source: Cadence and Co (2024)

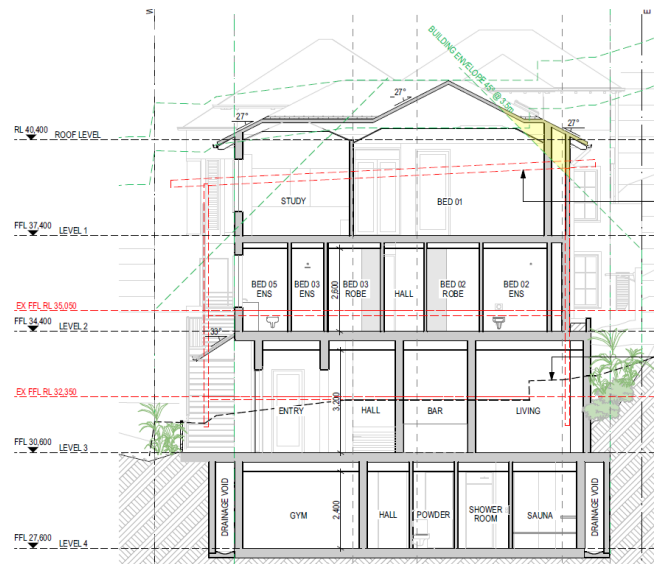


Figure 20 Building envelope of Section C
Source: Cadence and Co (2024)

3.2.2 Building Height

The proposed development complies with the building height requirements of the Pittwater LEP, integrating the lift overrun into the roof plan to maintain a roofline that is consistent with the surrounding low-density residential development. The development is predominantly within the 8.5m height limit for the site but has a maximum height of 10 metres which is allowed in accordance with Clause 4.3 of the LEP. An assessment against the relevant height provisions is provided in **Section 3.1.3**.

As demonstrated at **Figure 21**, the portion of the building that exceeds 8.5m is minor, is limited to the roof of the main bedroom, and is modest in scale. The majority of the dwelling is well under both the 8.5m and 10m height controls and is only 1.5m taller than the existing dwelling on site. The design aligns with the Pittwater DCP’s emphasis on low-density residential development, appearing as a single storey when viewed from Whale Beach Road and stepping down the slope towards Whale Beach. Shadow diagrams demonstrate only minor additional shadowing of neighbouring properties at certain times of the day, while the sloped nature of the site preserves views for properties to the north.

Accordingly, the proposed height is considered acceptable as it is compliant with the LEP and DCP provisions, aligns with the character of the area, and integrates coherently with the site’s topography and surrounding environment.

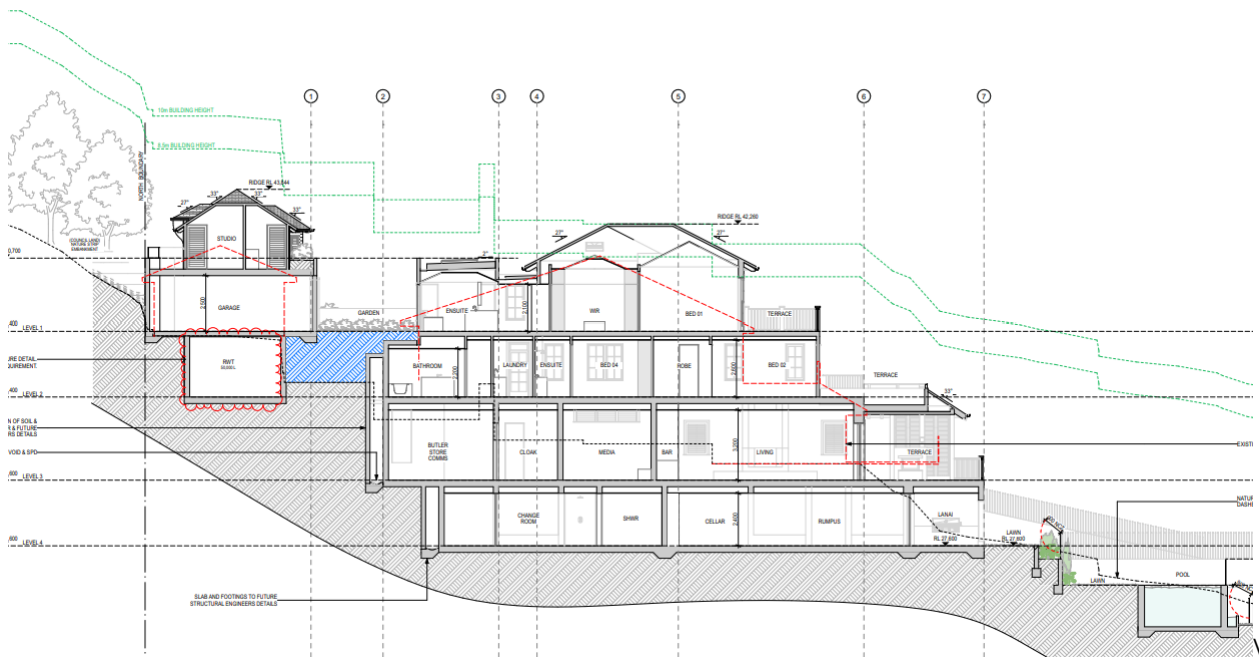


Figure 21 Extract of Section Plan

Source: Cadence and Co (2024)

3.2.3 Setbacks

The eastern side setback and rear setback are compliant with the numerical controls of the Pittwater DCP.

The front setback is nil to the garage but is acceptable in accordance with the allowances under the DCP for carparking on steeply sloping sites. It should also be noted that the existing garage structure also has a nil setback to the front boundary.

With the exception of the entry porch and service room below, the western side setback of the top two storeys of the development complies with the 2.5m setback. The bottom two storeys incur minor encroachments, including the Level 3 kitchen and BBQ area by approximately 0.6m and the Level 4 indoor pool room which extends to a minimum setback of 1 metre.

The variations do not extend for the full extent of the elevation and are primarily a result of creating articulation by stepping the building in and out along the boundaries. As shown at **Figure 22**, the variation to the western setback (highlighted red) is more than offset by greater than required setbacks on the eastern side of the building (highlighted green). At the Level 3 pool, the extent of variation visible is even less as the majority of the encroachment is underground. An assessment of the proposed setbacks against the objectives of the DCP control is provided at **Table 5**.

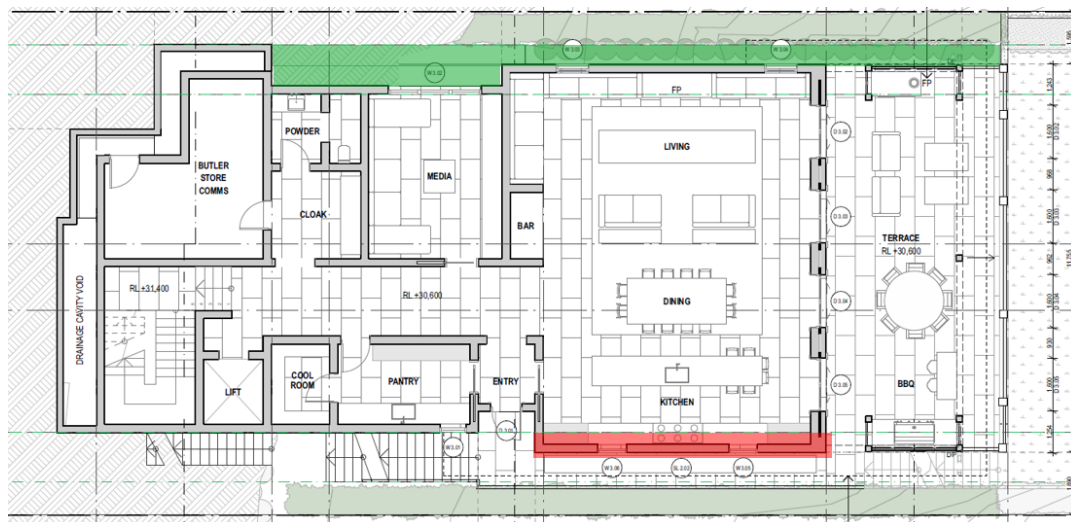


Figure 22 Extract of Level 3 Plan

Source: Cadence and Co (2024)

Table 5 Compliance with Pittwater DCP 2021 Side and Rear Setback Objectives (Section 12.6)

Clause Objective	Assessment
<i>To achieve the desired future character of the Locality.</i>	An assessment of the proposed development against the desired future character statement is provided at Section 3.1.4 and confirms consistency.
<i>The bulk and scale of the built form is minimised.</i>	The bulk and scale of the proposed development is minimised using articulation in the side building lines. Moreover, access is still able to be obtained through the side setback along with substantial landscaping to soften the built form.
<i>Equitable preservation of views and vistas to and/or from public/private places.</i>	There are currently no significant views or vistas available from the public domain of Whale Beach Road down to the beach due to the topography and vegetation along the frontage. The non-compliant elements of the setback also do not contribute to any view loss of neighbouring dwellings.
<i>To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.</i>	As noted above, the non-compliance of the western side setback does not diminish views obtained from the neighbouring property given the placement of the non-compliances and sufficient space for landscaping is provided on both sides of the dwelling.
<i>To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.</i>	None of the non-compliances result in a loss of privacy for the neighbouring property. The kitchen windows are offset to the adjacent dwelling and are smaller than the existing windows in this location. Native hedges are also proposed along the boundary to enhance privacy to the walkway. The property to the west of the site is already largely overshadowed in the morning period and the proposed setbacks will generally not exacerbate this, except for the roof of the porch which will partially shadow the roof of the neighbouring residence. By midday, the shadow of the building falls within the boundary of its own site and in the afternoon the shadow resulting from the non-compliances also falls within the subject site.
<i>Substantial landscaping, a mature tree canopy and an attractive streetscape.</i>	As shown in the landscaping plans, a high quality landscape design is proposed, with sufficient space for vegetation along both side boundaries.
<i>Flexibility in the siting of buildings and access.</i>	The proposed development responds to the site's constraints while ensuring that privacy and amenity for neighbouring properties are maintained through strategic landscaping and fencing. As shown in Figure 21 above, flexibility in the setback control provides an enhanced outcome by allowing for building articulation while still achieving a net improvement to the overall setback area along both boundaries.
<i>Vegetation is retained and enhanced to visually reduce the built form.</i>	No significant vegetation is required to be removed as a result of the proposed setbacks. The increased setback on the eastern side boundary, which is offset by the encroachment of the porch into the western setback, allows for the provision of two locally native canopy trees.
<i>To ensure a landscaped buffer between commercial and residential zones is established.</i>	No commercial zone exists adjacent to the site.

3.2.4 Overshadowing

Shadow diagrams have been prepared by Cadence and Co and are included within the Architectural Plans at **Appendix B** and extracted at **Figure 23**. The analysis illustrates that the additional shadowing resulting from the proposed development is minimal. As above, the additional shadow of the porch roof at 9am falls on the roof the adjoining dwelling and by 12pm all additional shadowing falls within the boundary of the subject site. At 3pm, additional shadow falls on the roof of the building to the east as well as a portion of its rear yard but retains solar access throughout the year.

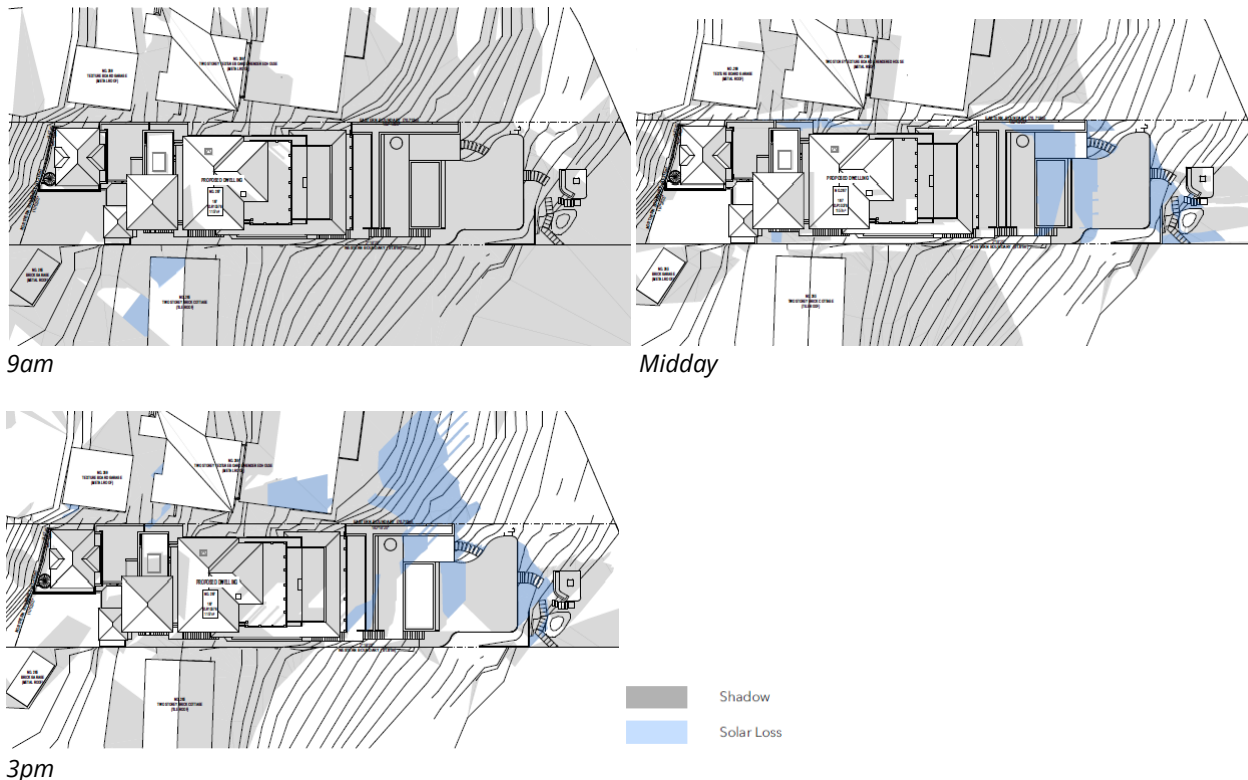


Figure 23 Solar Diagrams Extracts

Source: Cadence and Co Design

3.2.5 Landscaping

The proposed landscaping plan, prepared by Wyer & Co (**Appendix D**) prioritises native and sustainable vegetation, retaining all seven existing trees on-site. A total of 80% of new plantings will consist of locally and Australian native species. Locally native hedges and canopy trees will be planted along the eastern and western boundary to enhance privacy and soften the visual impact of the development, while native grasses along the southern boundary will provide a buffer without obstructing views. The existing rocky foreshore at the rear of the property will be preserved and protected, with all weeds removed and the area revegetated with locally native species. Additionally, native canopy trees will be planted at the entrance to the studio and dwelling to provide shade and further integrate the development into its natural surroundings.

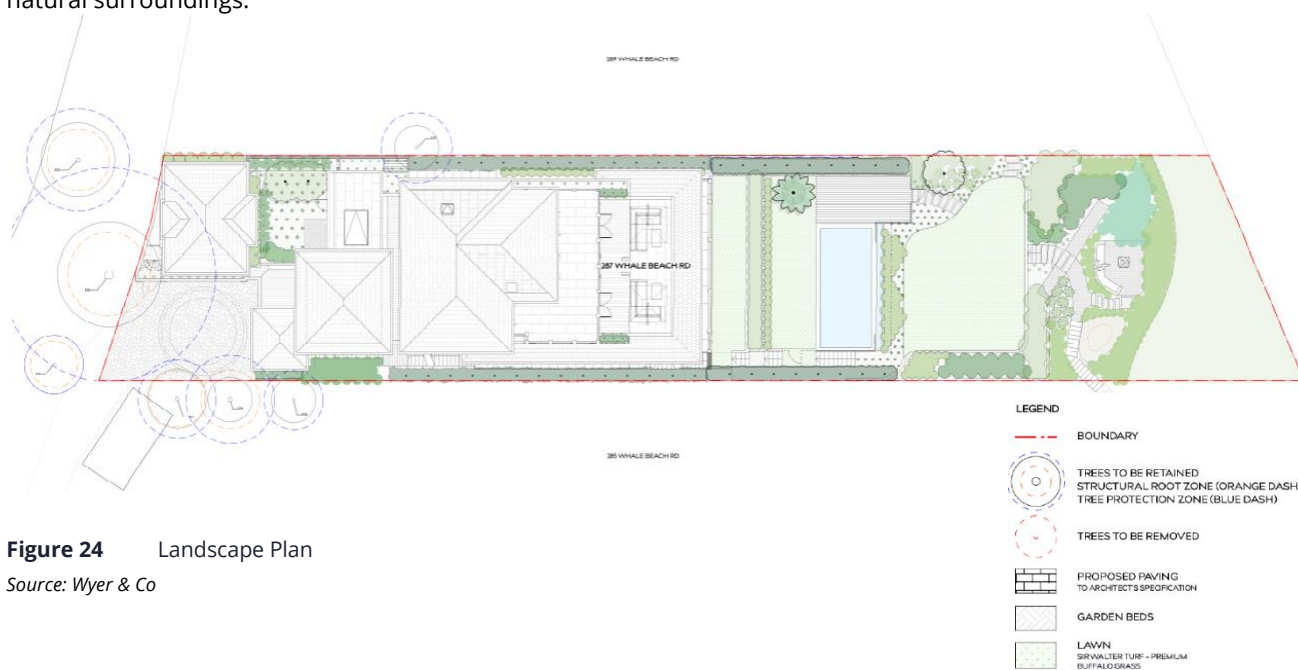


Figure 24 Landscape Plan

Source: Wyer & Co

3.2.6 Visual Impacts

The development's design responds to the site's topography, stepping down the slope to integrate with the natural contours. From Whale Beach Road, the building appears as a single-story structure, screened by extensive vegetation along the front boundary, while from Whale Beach it blends into the landscape, minimising its visual presence.

The height and scale of the proposed development are consistent with surrounding properties, preserving the neighbourhood's character. Properties on the opposite side of Whale Beach Road, situated on elevated slopes, retain their views over the development as shown by the perspective from 274 Whale Beach Road at **Figure 25**.

The view from 289 Whale Beach Road (eastern neighbour) south to the beach will not be impacted by the proposal. As shown at **Figure 26**, the view from the private open space over the side boundary back to the headland will only marginally change.

The view from 285 Whale Beach Road (western neighbour) to the beach will not be impacted by the proposal. As shown at **Figure 27**, the view from the private open space over the side boundary will result in a minor reduction to the amount of the horizon visible, however, this is a minor element in context of the full unimpeded ocean view on offer. It is also noted that the dwelling at this site is setback significantly from the foreshore line and that any redevelopment of this site would likely result in the building being situated further forward, in alignment with other buildings along the foreshore, which would open up the panoramic view.

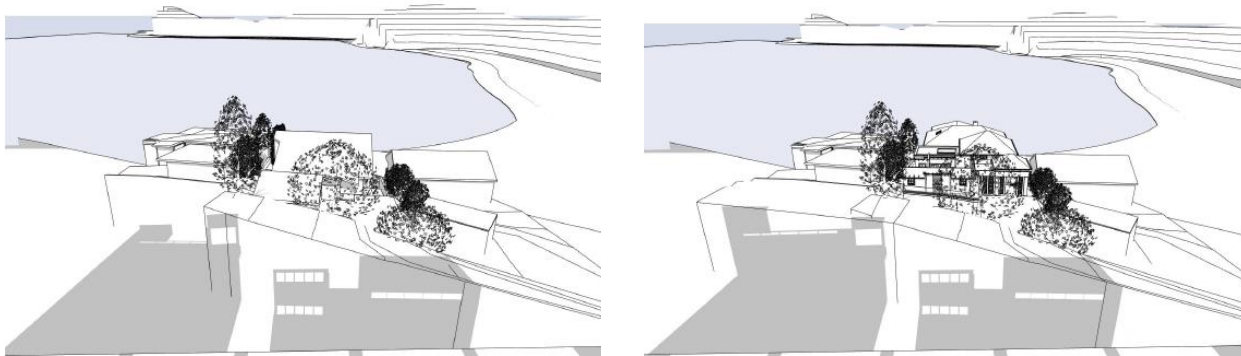


Figure 25 274 Whale Beach Road Perspective (Existing and Proposed)

Source: Cadence and Co Design

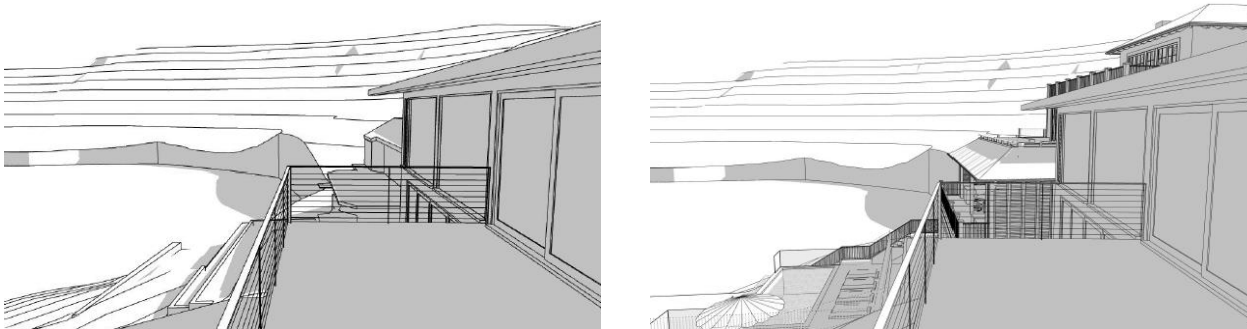


Figure 26 289 Whale Beach Road Perspective (Existing and Proposed)

Source: Cadence and Co Design

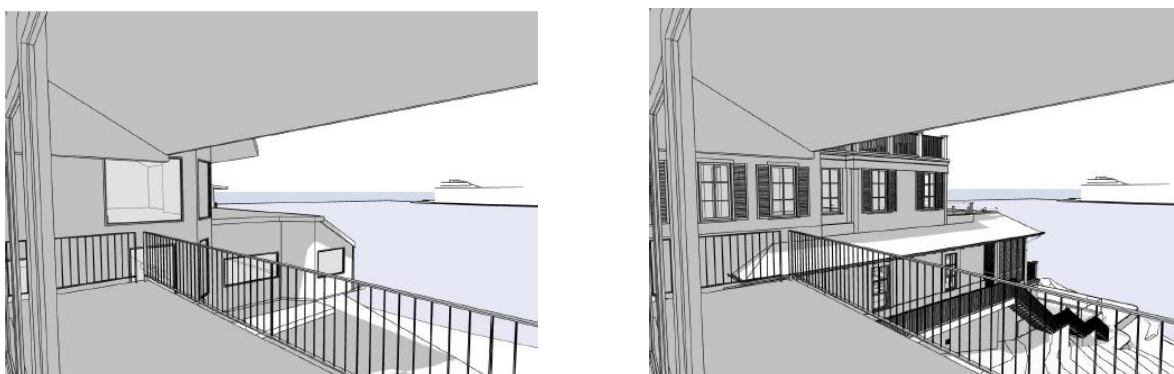


Figure 27 285 Whale Beach Road Perspective (Existing and Proposed)

Source: Cadence and Co Design

3.2.7 Geotechnical and Coastal Engineering

A Geotechnical Report has been prepared by White Geotechnical Group (**Appendix H**), and Coastal Engineering Advice has been prepared by Horton Coastal Engineering (**Appendix E**). The site is subject to "Geotechnical Hazard H1," with identified risks associated with the moderate to steep slope across the property and the sea cliff at the rear boundary. The Geotechnical Report concludes that the proposed development is suitable for the site, provided the recommended construction methods are implemented. These include controlled excavation techniques, vibration monitoring to protect neighbouring properties, and pre-construction dilapidation surveys.

The Coastal Engineering Report assesses the potential impact of coastal processes on the site. It concludes that the development, situated well above wave action and setback from the cliff, is not at significant risk of erosion or wave impact over its design life of 100 years. Projected erosion rates have been accounted for, with adequate setbacks ensuring long-term safety and stability.

Both reports confirm that the proposed development will not adversely affect geotechnical stability or coastal processes, provided all recommended measures are followed. These findings ensure compliance with the Geotechnical Risk Management Policy for Pittwater (2009) and relevant clauses of the *Pittwater Local Environmental Plan 2014*.

3.3 Other Matters

An assessment of the other impacts of the development have been undertaken by the relevant specialist consultants and are appended to this SEE as set out in **Table 6**.

Table 6 Summary of the other technical assessments

Consideration	Assessment	Consultant	Appendix
Traffic and Parking	Two parking spaces are provided in accordance with the Pittwater DCP. The development will not significantly increase the housing density of the site and therefore will not have any significant impacts in relation to traffic.	-	-
Tree Protection	No trees are proposed for removal. 7 trees are to be retained and will be protected in accordance with the recommendations of the Arborist Report.	Urban Arbor	Appendix F
Contamination	The site has historically been used for residential purposes and there is no evidence of any past uses that may have resulted in its contamination. Accordingly, the remains suitable for its ongoing residential use.	-	-
Heritage	The site does not contain or directly adjoin any heritage items or conservation areas.	-	-
Noise	As a low-density residential dwelling, it is anticipated the proposed development will generate minimal noise and it is not located nearby any noise generating activities. All plant will be selected to comply with the relevant acoustic standards.	-	-
Waste Management	A Waste Management Plan has been completed to address construction and operational waste efficiently, minimising environmental impacts and promoting sustainable living practices.	Cadence and Co	Appendix I
Sustainability	The proposed dwelling incorporated sustainable design principles, ensuring adequate natural light and ventilation to reduce reliance of artificial lighting and climate control. A BASIX Certificate has also been obtained which demonstrates the dwelling will perform to high environmental standards.	Daniela Russo	Appendix L
Stormwater Management	A Stormwater Plan has been prepared to manage stormwater run off.	TTW	Appendix J
Construction Impacts	Appropriate measures will be employed to address the issues of construction impacts, traffic management (including management of the shared access), erosion and sedimentation management, waste minimisation, site fencing and security. A consolidated	-	-

Consideration	Assessment	Consultant	Appendix
	Construction Management Plan will be prepared by the building contractor at Construction Certificate stage which can be enforced through a condition of consent.		

3.4 Social and Economic Impacts

The proposed development will not result in any adverse social impacts and will generate employment through the construction phase.

3.5 Suitability of the Site for Development

The site is suitable for the proposed development for the following reasons:

- There is no evidence of contamination being present on the site;
- There is no evidence of heritage or biological sensitivity on the site;
- Geotechnical and Coastal Engineering studies confirm the site is capable of supporting the proposed development;
- The site has historically been utilised for residential purposes and its ongoing use for this purpose is appropriate; and
- The site is of a sufficient size to accommodate the development and will not result in any unreasonable impacts to neighbouring properties.

3.6 Public Interest

The proposed development is considered to be in the public interest as it is consistent with the objectives of the Pittwater LEP 2014 and Pittwater 21 DCP. The dwelling has been architecturally designed to respond to the site and its surrounding context, utilising high quality materials and finishes and a landscape design which promotes native species. Accordingly the development will make a positive contribution to the Pittwater Locality.

3.7 Notification

This development application will be exhibited for a period of 14 days in accordance with Section 4.15 of the EP&A Act.

3.8 Development Contributions

The Northern Beaches Council’s 7.12 Contributions Plan 2024 applies to the proposed development as it has a proposed cost of over \$100,000 and is not in an excluded area. Therefore, the proposal will be subject to conditions requiring contributions in accordance with the plan.

The Housing Productivity Contribution will not apply to the site as the development involves replacing an existing dwelling.

4.0 Conclusion

This SEE has been prepared to demonstrate that the proposed development at 287 Whale Beach Road aligns and is consistent / materially compliant with the relevant planning controls and objectives. The design has been carefully considered to minimise visual impacts, respect the site’s topography, and integrate seamlessly with the surrounding built and natural environments.

The proposal retains all existing significant vegetation on-site, introduces extensive landscaping with native and endemic species, and employs strategic design measures to protect the privacy, amenity, and views of neighbouring properties. Shadow analysis conforms that adequate solar access is maintained, while the development’s height, scale, and bulk are consistent with the character of the surrounding area.

This SEE established that the proposed development complies with the applicable planning and environmental controls and the proposal ensures a high-quality design outcome that enhances the site’s environmental value and contributes positively to the broader neighbourhood context.

Given the merits described above, it is requested that the application is approved.