



# STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Inclinator  
1-3 Florida Road,  
Palm Beach

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# Statement of Environmental Effects

## Proposed Inclinorator

### 1-3 Florida Road, Palm Beach

Prepared under instructions from

## The Design Section

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## 1 Introduction

This Statement of Environmental Effects (SoEE) has been prepared in support of an application seeking the construction of an inclinator, access pathway and stairs providing pedestrian access from the Florida Road frontage to the level of the dwelling house above. We note that the dwelling house is currently undergoing extensive alterations and additions pursuant to Development Application DA 2019/1532.

The proposed inclinator, pathway and stairs will facilitate enhanced accessibility between the dwelling house and the Florida Road property frontage without the need to utilise the existing steep, narrow and shared driveway access. In this regard, the inclination will improve the safety of the existing driveway through a reduction in potential vehicle/pedestrian conflicts associated with its use.

The accompanying arborist report prepared by Arbortech Tree Garden Care confirms that the inclinator will not require the removal of any significant trees or vegetation with tree loss limited to the removal of an existing dead tree with the accompanying geotechnical addendum report prepared by JK Geotechnics confirming that the installation of the inclinator will not result in an increase in the risk levels to property and life. The subject application is also accompanied by the following documentation:

- Survey Plan
- Architectural plans
- Arborist Report
- Geotechnical Report

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

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014;
- Pittwater Development Control Plan 2014;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The proposed variation to the 6.5 metre front building line setback is acceptable given the topography of the site and improved accessibility and driveway safety afforded by the inclinator. The proposed works satisfy the objectives of the control and to that extent strict compliance is unreasonable and unnecessary.

- The design and siting of the proposed inclinator minimises potential environmental impacts with the inclinator, pathway and access stairs giving rise to unacceptable vegetation or geotechnical impact.
- The maintenance of the existing vegetation within the front setback area will ensure that the proposed works will be softened and screened as viewed from the street and to that extent will not give rise to any inappropriate or jarring streetscape consequences.
- The proposed works are compatible with the desired future character of the Palm Beach locality.

## 2 Site Analysis

### 2.1 Site Description and Location

#### 2.1.1 The Site

The application relates to Lot 1 in DP 731356, No. 1-3 Florida Road, Palm Beach. A location map is at **Figure 1** below.



*Figure 1: Site Location (Source: Six Maps)*

The site is irregular in shape with a frontage of 67.6m along Florida Road, a western side boundary length of 34.1m and a splayed eastern side boundary length of approximately 64.5m not including the right-of-carriageway. The site comprises a right-of-carriageway that is used for access by the properties at No. 364 Whale Beach Road and No. 1a Florida Road. The topography is steeply sloping and includes several trees on and adjacent to the site.

The subject property is occupied by a dwelling house undergoing extensive alterations and additions pursuant to Development Application DA 2019/1532.

### 2.1.2 The Locality

The subject property is located within the Palm Beach Locality/. The locality is characterised mainly by two-storey dwelling houses on 750-1,400 square metre allotments, with allotments of 550-650 square metres (some smaller blocks may exist) adjoining the waterfront to the west. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. In the vicinity of Ocean Rd, the informal and casual nature of the parking carriageway and pedestrian pathway adds to the relaxed beach character of the locality and should be retained. Medium density housing concentrates around the Palm Beach neighbourhood retail centre on Barrenjoey Road.

Surrounding development is characterised by detached dwelling houses within a landscaped setting.

### 2.1.3 Zoning and Key Environmental Considerations

The site is zoned E4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5;
- Land identified on the Councils Biodiversity Map
- Geotechnical Hazard area

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

## 3 Description of Proposed Development

### 3.1 Details of the Proposed Development

The subject application proposes the construction of an inclinor, access pathway and stairs providing pedestrian access from the Florida Road frontage to the level of the dwelling house above. The proposed works are depicted on plans WD-MOD.01G, and WD-MOD.04D prepared by The Design Section Pty Limited.

The accompanying arborist report prepared by Arbortech Tree Garden Care confirms that the inclinor will not require the removal of any significant trees or vegetation with tree loss limited to the removal of an existing dead tree with the accompanying geotechnical addendum report prepared by JK Geotechnics confirming that the installation of the inclinor will not result in an increase in the risk levels to property and life.



## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

#### 4.1.1 Zoning and Permissibility

As previously noted the site is zoned E4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the E4 zone. The specific objectives of the zone are identified 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 application relates to a new inclinators, pathway and access stairs ancillary to the existing dwelling house located on the subject property. Accordingly, the proposed works are permissible with consent in the zone.

#### 4.1.2 Height of Buildings

Pursuant to Clause 4.3 of the PLEP, the site is identified on the height of buildings map as having a maximum permissible height of 8.5 metres. The objectives of the control are identified as follows:

- a) *To ensure that any building, by virtue of its height and scale, is consistent with the character of the locality;*

- b) To ensure that buildings are compatible with the height and scale of surrounding and nearby development;*
- c) To minimise any overshadowing of neighbouring properties;*
- d) To allow for the reasonable sharing of views;*
- e) To encourage buildings that are designed to respond sensitively to the natural topography;*
- f) To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The proposed inclinators and associated access works sit comfortably below the 8.5m height standard. Accordingly, the proposed works are deemed to comply with the associated objectives.

#### 4.1.3 Acid Sulfate Soils

Pursuant to Clause 7.1 of the LEP, the site is mapped as being 5 acid sulfate soils. The proposed development does not require any significant levels of excavation that would disturb or expose acid sulfate soils and adversely impact on the local environment. Footings for piers will be hand dug and has been assessed by JK Geotechnics.

#### 4.1.4 Biodiversity Protection

Pursuant to Clause 7.6, the site is identified on the biodiversity map. The proposed works will be sited in proximity to existing trees which have been assessed by Arbortech Tree and Garden Care. The accompanying arborist report provides recommendations to protect and retain 3 trees identified. Tree 2 has been assessed as being dead and is recommended for removal.

#### 4.1.5 Geotechnical Hazards

The site is identified as being a geotechnical hazard area and a geotechnical report has been provided. A geotechnical report was prepared previously with regard to the alterations and additions to the dwelling in 2019. JK Geotechnical have reviewed the proposed inclinators with regard to their previous assessment and formed the opinion that the inclinators will not result in any increase in the risk levels to property and life.

## 4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

### 4.2.1 Palm Beach Locality

The property is located within the Palm Beach Locality. The desired future character of the Palm Beach Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

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

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

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

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

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

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

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

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

The relatively minor nature of the works will not result in any significant amenity impacts nor create any unreasonable visual impacts that would impact negatively on the desired future character of Palm Beach. Inclinator are common in areas of Palm Beach that are constrained by steeply sloping topography and provide for easy and safe access to and from dwellings. In this regard, the proposal is not considered antisymphathetic to the Palm Beach locality.

#### 4.2.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
<b>General Controls</b>			
<b>Development Type Controls</b>			
<b>Landslip Risk B3.1</b>	Protection of people.  Protection of the natural environment.  Protection of private and public infrastructure and assets.	This application is accompanied by a Geotechnical report.	Yes

Control	Requirement	Proposed	Compliance
<p><b>Flora and Fauna Conservation B4.1</b></p>	<p>The long-term viability of locally native flora and fauna and their habitats in the Pittwater Local Government Area.</p>	<p>The area is identified as a biodiversity area within the Pittwater LEP.</p> <p>The works will not significantly impact on flora and fauna or habitats on the site. An arborist report has been provided detailing the trees to be protected and retained. 1 dead tree is proposed to be removed.</p>	<p>Yes</p>
<p><b>Preservation of Trees and Bushland Vegetation B4.22</b></p>	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To effectively manage the risks that come with an established urban forest through professional management of trees.</p> <p>To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.</p> <p>To protect, enhance bushland that provides habitat for locally native plant and animal species,</p>	<p>An arborist report has been provided with this application.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>threatened species populations and endangered ecological communities.</p> <p>To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>		
<p><b>View Sharing C1.3</b></p>	<p>A reasonable sharing of views amongst dwellings. (S) Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S) Canopy trees take priority over views. (En, S)</p>	<p>The development raises no concerns regarding potential view loss to neighbouring dwellings.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p><b>Visual Privacy</b> <b>C1.5</b></p>	<p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)</p> <p>A sense of territory and safety is provided for residents. (S)</p>	<p>The inclinator will be sited centrally within the site and will not compromise existing levels of privacy established between adjoining development.</p>	<p>Yes</p>
<p><b>Acoustic Privacy</b> <b>C1.6</b></p>	<p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)</p> <p>Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)</p>	<p>The inclinator does not raise any significant concerns regarding the acoustic privacy to adjoining dwellings. It is centrally located on the site with significant spatial separation which limits any potential for unreasonable mechanical noise associated with the inclinator.</p>	<p>Yes</p>
<p><b>Incline Passenger Lifts and Stairways</b> <b>C1.19</b></p>	<p>be designed and located so they do not involve excessive excavation, or the removal of natural rock or trees,</p>	<p>The proposed inclinator is sited centrally on the site. It is well in excess of the 2m side setback requirement. As mentioned previously, 1 dead tree is proposed to be removed with the others in proximity to be retained and protected.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>be erected as near as possible to the ground level (existing) of the site, and shall not involve the erection of high piers or visible retaining structures</p> <p>be set back two (2) metres from the side boundary to the outer face of the carriage</p> <p>be located wholly on private land</p> <p>On steeply sloping existing lots, incline passenger lifts are preferred to driveways where the required driveway grade may be difficult to achieve and would have an adverse impact on the landform, appearance, vegetation and species habitat. In such cases, a proposal will be subject to assessment based on merits, and should be no more than 1 metre above</p>	<p>The site is steeply sloping which will result in some section of the inclinator protruding above existing ground level further than 1m. This is considered reasonable in this instance due to the site constraints. The elevated inclinator is preferred in this location due to the biodiversity sensitivities and to limit any need for excessive excavation.</p> <p>The retention of existing vegetation at the front of the site will soften and screen the proposed works as viewed from the street ensuring that they will not be perceived as inappropriate or jarring in a streetscape context.</p>	



Control	Requirement	Proposed	Compliance
	the existing ground level.		
<b>Palm Beach Locality Specific Development Controls</b>			
<p><b>Character as viewed from a public place D12.1</b></p>	<p>To achieve the desired future character of the Locality.</p> <p>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</p> <p>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</p> <p>The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by</p>	<p>The proposed works are minor and will not significantly impact on the existing built form or the context of the dwelling within the streetscape.</p> <p>The natural environment will be largely retained with only an existing dead tree to be removed. The existing vegetation within the front setback will allow the inclinor to be soften and screened from the street.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>landscaping and vegetation. (En, S, Ec)</p> <p>High quality buildings designed and built for the natural context and any natural hazards. (En, S)</p> <p>Buildings do not dominate the streetscape and are at 'human scale'. To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.</p>		
<p><b>Front Building Line D12.5</b></p>	<p>Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.</p>	<p>The inclinators will provide access from Florida Road to the dwelling house above and will encroach within the front setback.</p> <p>The proposed works are considered minor and the inclinators will not be readily discernible from the street due to the dense vegetation within the front setback. Having regard to the objectives of the front setback control we note the following:</p> <ul style="list-style-type: none"> <li>The proposed works are not inconsistent with the desired future character</li> </ul>	<p>No.</p> <p>Variation acceptable on merit.</p>

Control	Requirement	Proposed	Compliance
		<p>of the locality with the proposed inclinor structure consistent with other similar structures providing access to steeply sloping sites along Florida Road.</p> <ul style="list-style-type: none"> <li>• The proposed works will not result in adverse public or private views to and/or from public/private places.</li> <li>• The proposed works located within the front setback will not give rise to adverse residential amenity impacts in terms of privacy or solar access.</li> <li>• The proposed works within the front setback do not require the removal of any significant trees or vegetation.</li> <li>• The proposed works within the front setback do not compromise the existing vehicular access or egress from the site.</li> <li>• The proposed works located within the front setback will not require the removal of any significant trees or vegetation and to that extent will preserve the bushland character of the locality.</li> <li>• The proposed works within the front setback will be softened and screened by existing vegetation and to that extent will not give rise to any adverse</li> </ul>	

Control	Requirement	Proposed	Compliance
		<p>streetscape consequences.</p> <p>Under such circumstances, it can be demonstrated that strict compliance with the 6.5 m front building line setback control is unreasonable and unnecessary given the ability to satisfy the underlying objectives of the control.</p>	
<p><b>Side and Rear Building Line D12.5</b></p>	<p>Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.</p> <p>6.5 metre rear building line.</p>	<p>Achieved</p>	<p>Yes</p>
<p><b>Building Envelope D12.8</b></p>	<p>Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.</p>	<p>No breach to the envelope with the inclinometer.</p>	<p>Yes</p>

**4.3 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

**(i) The provision of any planning instrument**

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

**(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

N/A

**(iii) Any development control plan**

Pittwater DCP applies

**(iiia) 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**

N/A

**(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and**

N/A

**(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)**

N/A

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,**

N/A

*Context and Setting*

i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*
- 

The existing right of way and off-street parking arrangement maintained.

*Public Domain*

The proposed development will have no adverse impact on the public domain.

#### *Utilities*

Existing utility services will continue to service the dwelling house.

#### *Flora and Fauna*

The application is accompanied by an arborist report.

#### *Waste Collection*

Normal domestic waste collection applies to the existing dwelling house.

#### *Natural hazards*

A geotechnical report is provided.

#### *Economic Impact in the locality*

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

#### *Site Design and Internal Design*

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

#### *Construction*

- i) *What would be the impacts of construction activities in terms of:*
- *The environmental planning issues listed above*
  - *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

#### **(c) The suitability of the site for the development**

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

#### **(d) Any submissions received in accordance with this act or regulations**

It is envisaged that Council will appropriately consider any submissions received during the notification period.

#### **(e) The public interest**

The architect has responded to the client brief to provide for an inclinator of design merit that improves the accessibility and safety of the dwelling which is constrained by its steep topography. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.



## 5 Conclusion

The proposed dwelling and associated works are permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposal and the constraints of the site.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The proposed variation to the 6.5 metre front building line setback is acceptable given the topography of the site and improved accessibility and driveway safety afforded by the inclinator. The proposed works satisfy the objectives of the control and to that extent strict compliance is unreasonable and unnecessary.
- The design and siting of the proposed inclinator minimises potential environmental impacts with the inclinator, pathway and access stairs giving rise to unacceptable vegetation or geotechnical impact.
- The maintenance of the existing vegetation within the front setback area will ensure that the proposed works will be softened and screened as viewed from the street and to that extent will not give rise to any inappropriate or jarring streetscape consequences.
- The proposed works are compatible with the desired future character of the Palm Beach locality.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

### **Boston Blyth Fleming Pty Limited**



**Greg Boston**  
B Urb & Reg Plan (UNE) MPIA  
**Director**