

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED USE OF EXISTING DETACHED STUDIO AS DWELLING HOUSE & MINOR BOUNDARY ADJUSTMENT

**1178 BARRENJOEY ROAD
PALM BEACH**

SEPTEMBER 2019



statement of environmental effects

Submission to

NORTHERN BEACHES COUNCIL

**PROPOSED USE OF EXISTING DETACHED STUDIO AS
DWELLING HOUSE & MINOR BOUNDARY ADJUSTMENT**

1178 BARRENJOEY ROAD PALM BEACH

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This statement has been prepared in consideration of the Expert Witness Code of Conduct in the Uniform Civil Procedure Rules and the provisions relating to expert evidence. The opinions in the statement represent the professional opinions of the authors, based on an assessment of the facts and circumstances as have been cited in the document.



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1.0 INTRODUCTION

This document has been prepared in order to provide information and an assessment in respect of a development application (the 'development application') seeking consent for change of use of an existing studio to a dwelling house and a boundary adjustment, at property No 1178 Barrenjoey Road Palm Beach ('the site'). The studio has previously been granted consent to be used as a secondary dwelling, however this consent has not been acted upon.

Consideration has been given to the environmental merits of the proposed development having regard to the following relevantly applicable principal pieces of legislation, statutory planning instruments and subordinate documents:

- *Environmental Planning and Assessment Act 1979* ('EPAA');
- *Environmental Planning and Assessment Regulation 2000* ('EPAR');
- *Pittwater Local Environmental Plan 2014* ('PLEP');
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* ('SEPP BASIX'); and
- *Pittwater 21 Development Control Plan 2014* ('PDCP').

2.0 SITE LOCATION AND DESCRIPTION

2.1 Location

The site is located in a quiet part of Palm Beach and is accessed from Barrenjoey Road.

The site enjoys good transport linkages with Palm Beach, Manly, Dee Why and Sydney City.

The surrounding area consists of a low-density residential neighbourhood and includes generous public open space areas, restaurants/cafes and local shopping facilities.

A locality map is provided at **Annexure 1**.

An aerial photograph is provided at **Annexure 2**.

2.2 The Site

The site comprises two lots, legally described as Lot 1 in DP 105986 and Lot 1 in DP 1084184. The building relevant to the proposed dwelling house is located on Lot 1 in DP 1084184.



The land slopes downwards from the rear of the property towards the front boundary.

Currently, the site is occupied by a dwelling house on one lot (but encroaching on the second lot), with a studio on the second lot.

3.0 DEVELOPMENT PROPOSAL

The development proposal involves:

- A change of use of an existing studio to a dwelling house and internal (very minor) alterations and additions involving the existing studio (to permit separate habitation).
- A boundary adjustment to correct an encroachment by the existing dwelling house onto the second existing lot.
- The provision of coincidental legal and practical access for both existing allotments (see Cadastral Plan at **Annexure 3**).

Architectural plans prepared by Blue Sky Building Design, accompany the development application.

Photographs of the site are provided at **Annexure 4**.

4.0 DEVELOPMENT HISTORY

In 2005, a s96 EPAA (now s4.55) modification application (DA N0266/05) was lodged with the Pittwater Council, for the demolition of an existing garage and construction of a studio in its place.

The Council granted development consent to the application on 7 July 2007. Subsequently a construction certificate and occupation certificate for the development were obtained by the owner.

More recently development consent has been granted for alterations and additions to the existing studio and a change of use to secondary dwelling. Refer DA2019/0334. Note, this consent is a deferred commencement consent. A deferred commencement condition was imposed on the consent requiring consolidation of the two existing lots. The consent has not been acted upon.



5.0 STATUTORY PLANNING FRAMEWORK

5.1 Pittwater Local Environment Plan 2014

5.1.1 General

Pittwater Local Environmental Plan 2014 (PLEP), being the relevantly applicable local environmental plan, commenced on 26 April 2014.

5.1.2 Aims

The aim of PLEP is, among other things, to promote economically, environmentally and socially sustainable development in the former local government area of Pittwater (and now part of the Northern Beaches local government area) and to ensure that development is consistent with the desired character of Pittwater's localities.

5.1.3 Zoning

The site is zoned E4 'Environmental Living' under PLEP.

Dwelling houses are nominately permissible with development consent, on land zoned E4.

A zoning map extract depicting the site, is provided at **Annexure 5**.

5.1.4 PLEP Zone Objectives

The E4 zone objectives under PLEP are as follows (refer land use table, E4 zone, item 1):

- 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.



In our opinion, the development proposal is consistent with such of the zone objectives as are of relevance to the subject-matter of the proposal.

5.1.5 Minimum Lot Size

A minimum lot size map extract depicting the site, is provided at **Annexure 6**.

Both existing lots comply with the minimum area requirements under the PLEP, before and after the boundary adjustment.

5.1.6 Height of Buildings

Clause 4.3 of PLEP controls the height of buildings.

The objectives of clause 4.3 are as follows (refer clause 4.3(1), PLEP):

- To ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality.
- To ensure that buildings are compatible with the height and scale of surrounding and nearby development.
- To minimise any overshadowing of neighbouring properties.
- To allow for the reasonable sharing of views.
- To encourage buildings that are designed to respond sensitively to the natural topography.
- To minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

By virtue of PLEP Height of Buildings Map (tile HOB 014), the maximum permissible height of a building on the site is 8.5 metres.

There are no proposed changes to the height of the existing studio.

There will be no incidental overshadowing impacts to neighbouring properties, and views and vistas will be preserved from neighbouring properties.

The development proposed is consistent with the objectives of Clause 4.3 of PLEP.

See **Annexure 7** for HOB Map.



5.1.7 Heritage Conservation

Adjacent to the rear boundary of the subject site is a local heritage item: “Villa d’Este” (house) in Palm Beach. Accordingly, clause 5.10 (Heritage conservation) of PLEP applies to the development proposal.

The objectives of clause 5.10 are as follows:

- (a) to conserve the environmental heritage of Pittwater,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposal is consistent with the objectives of Clause 5.10 of PLEP. The proposed minor works will have no impact on the heritage value of the neighbouring local heritage item: Villa d’Este.

Further, the site has not been identified as a potential Aboriginal Place or as containing an Aboriginal Object and is not listed within the NSW Atlas of Aboriginal Places.

The proposed development will not have any impact on the conservation of any known Aboriginal places or objects.

A Heritage Map extract (from PLEP) is provided at **Annexure 8**.

5.1.8 Acid Sulfate Soils

The site is identified as being within ‘Class 5’ on the Acid Sulfate Soils Map.

Clause 7.1 of PLEP relates to development on acid sulfate soils. The objective of the clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The proposed development does involve the carrying out of earth works. The proposed development does not involve the disturbance of ‘more than one tonne of soil’. Therefore, a specialist report is not required.



Accordingly, an acid sulfate soils management plan (refer clause 7.1 (6), PLEP) has not been prepared given the present circumstances.

5.1.9 Earthworks

The proposed minor alterations to the building, do not involve any excavation works whatsoever. We have considered clause 7.2 of the PLEP as part of the development proposal, and conclude that the proposal is entirely consistent with the desired outcomes of the clause.

5.1.10 Biodiversity

The site is within a biodiversity area (refer Biodiversity Map).

Accordingly, clause 7.6 ('Biodiversity') of PLEP applies to the development proposal.

The objectives of clause 7.6 are as follows (refer clause 7.6 (1), PLEP):

- protecting native fauna and flora, and
- protecting the ecological processes necessary for their continued existence, and
- encouraging the conservation and recovery of native fauna and flora and their habitats.

The proposal will not, in our opinion, have any significant adverse impact on existing flora and fauna nor disturb the biodiversity structure, function and composition of the site.

The rear of the site is heavily vegetated and bush turkeys are noted to be nesting in the precinct. As a measure to protect the ecological processes necessary for their continued existence, private open space is provided at the front of the dwelling, which already contains an impervious area.

A Biodiversity Map extract is provided at **Annexure 9**.

5.1.11 Flood Planning

The driveway area of the site is identified as a low flood risk precinct; further, the west southwest corner of the site is also identified as a medium and low flood risk precinct.



The proposed dwelling house (change of use) is not located in the flood affected area; further, the current location of the building will not be affected by flood water.

The development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties and will not adversely affect the environment or cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In our opinion, the proposed development is consistent with such of Clause 7.3 of PLEP as is of relevance.

A Pittwater Flood Risk Planning Map extract is provided at **Annexure 10**.

5.1.12 Geotechnical Hazard

The site is identified as Geotechnical Hazard H1 on the Geotechnical Hazard Map forming part of PLEP.

The proposed development complies with the objectives of cluse 7.7 'Geotechnical Hazard' of PLEP.

A Geotechnical report accompanies the proposal.

A Geotechnical Map extract is provided at **Annexure 11**.

5.1.13 Essential Services

The site currently enjoys the services of water, electricity, sewerage and stormwater drainage, as well as suitable vehicular access. The proposed development will not affect existing provisioning.

5.2 Pittwater 21 Development Control Plan 2014

5.2.1 Purpose

Pittwater 21 Development Control Plan 2014 (PDCP) applies to development on the site.

The purpose of PDCP is to provide best practice standards for developments.

The controls contained in PDCP, to the extent to which they are relevantly applicable to the proposed development, will now be considered and discussed.



5.2.2 Localities

The subject site is located in the Palm Beach locality.

The change of use and minor alterations and additions to the existing building, are consistent with the desired low-density residential nature of the precinct.

The locality supports the establishment of dwelling houses and the scheme will provide additional opportunities for more compact and affordable housing.

There will be virtually no impacts from an amenity or from an environmental perspective, caused by the proposal.

5.2.3 Heritage Conservation

Refer to section 5.1.7 (Heritage conservation) of this document.

5.2.4 Flood Prone Land

Pursuant to control B3.11 of PDCP, some parts of the site are classified as low to medium flood affected area.

The proposal satisfies the prescriptive controls for the relevant land use category in the applicable Flood Risk Precinct. Refer to section 5.1.11 (Flood Planning) of this document for further information.

5.2.5 Natural Resources

The immediate rear area is to be kept undisturbed. Even though private open space area at the rear is preferred, as a measure to preserve local native flora and fauna and habitat, it is proposed to provide private open space at the front of the dwelling house. The development therefore will not have an adverse impact on wildlife corridors or local native flora and fauna and relevant habitat.

5.2.6 Stormwater Management

The development proposal does not result in additional hard (impervious) surfaces. The existing stormwater drainage system is to remain in place.



5.2.7 Access Parking and Traffic

The site currently enjoys safe and convenient access to both buildings, via an existing concrete driveway. No changes are proposed to the existing access driveway.

The off street parking requirement (Part B6.3 of PDCP) is two spaces per dwelling (not being a secondary dwelling) with two bedrooms or more.

The converted dwelling house will provide only one bedroom.

The 'existing' dwelling house includes a garage providing three car parking spaces. A separate parking space is provided on the hard-stand at the front of the second dwelling house. The location of the proposed additional parking space for the dwelling house shown on the architectural plans accompanying the development application. In our opinion given the size of the proposed dwelling house 1 parking space is sufficient to accommodate demand for off street parking.

The proposed development is consistent with the relevant development controls of Part B6 of PDCP.

5.2.8 Landscaping

The site enjoys existing landscaping and is consistent with the controls specified in Part C1.1 of PDCP.

5.2.9 Safety and Security

Pursuant to Part C1.2 of PDCP, the desired outcomes for safety and security of the development, where relevant, are as follows:

- On-going safety and security of the Pittwater community.
- Opportunities for vandalism are minimised.
- Inform applicants of Council's requirements for crime and safety management for new development.
- Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements.



- Improve community safety and reduce the fear of crime in the Pittwater LGA.

Windows and the glass door at the front entrance allow visitors approaching to be seen without compromising security. These measures allow for casual surveillance of the public domain.

5.2.10 View Sharing

The proposal will not materially affect the views from any neighbouring properties. The existing design of the building is such that all existing views from adjoining properties will be maintained (refer Part C1.3 of PDCP).

5.2.11 Acoustic and Visual Privacy

The proposed dwelling house is located away from the street and neighbouring properties, thus assisting in maintaining acoustic and visual privacy for all parties.

The topography and the existing vegetation on the western boundary help to ensure that the proposed development does not result in privacy impacts to nearby neighbours. Furthermore, the existing building includes highlight windows on the west elevation in order to prevent direct overlooking of neighboring property.

Please refer to photographs in **Annexure 4** for confirmation.

5.2.12 Solar Access

Windows and the glass door to the northern facade of the dwelling house provide appropriate access to sunlight to the living spaces (refer Part C1.4, PDCP). The main private open space area at the front of the dwelling house will receive a minimum of three hours of sunlight between 9am and 3pm on June 21.

5.2.13 Private Open Space

The topography of the site would require extensive excavation, tree removal and disturbance to local native flora and fauna and their habitat if private open space were to be provided at the rear of the proposed dwelling house. Therefore, the principal area of private open space is to be provided at the



front of the existing building. The provision of private open space in this location will minimise environmental impact and yet receive sufficient sunlight.

The principal private open space is 32.5sqm in area.

The area at the front of the dwelling house will provide a suitable location for clothes drying.

Please refer to the plans accompanying the development application.

5.2.14 Setbacks

The development complies with required setbacks. In any case the proposed development does not involve alteration to the existing footprint of the building.

5.2.15 Building Envelope

This control seeks to ensure that new development responds to, reinforces and relates to the spatial characteristics of the existing natural environment in regard to the streetscape, bulk and scale or form and in terms of existing vegetation.

The proposed development is a change of use of an existing studio to a dwelling house. No changes to the existing building envelope are proposed.

5.2.16 Landscaped Area

Control D12.10 requires the total landscaped area on land zoned E4 Environmental Living to be 60% of the site area. The proposed development complies with the control.

5.2.17 Colours and Materials

The colours and material of the dwelling house will not be altered.

Please refer to **Annexure 4**, photographic palette for further information concerning existing colour and materials of the building.



6.0 KEY ISSUES

6.1 Flood Prone Land

A small part of the site is medium to low flood prone. However, the dwelling the subject of the proposal is not affected by potential flood events. The proposal generally complies with Clause 7.3 of PLEP and control B3.11 of PDCP.

Given the above, a flood planning report has not been prepared as regards the development application.

6.2 Private Open Space

The proposal provides principal private open space at the front of the building. The principal private open space is directly accessible from the living room. The site is a large site comprising two lots and improvements are located away from the street.

The topography and the existing vegetation limit overlooking and assist to maintain the privacy for adjoining residential properties.

It is observed that bush turkeys are nesting in the area. Given the constraints pertaining to existing local native flora and fauna and their habitat, the principal private open space is proposed away from the more naturally vegetated part of the land.

6.3 Amenity

The dwelling house will provide occupant amenity without causing material environmental impacts to neighbours.

6.4 Heritage Conservation

Adjacent to the rear boundary of the subject site is a local heritage item: "Villa d'Este" (house) in Palm Beach.

In our opinion, the proposal will not have any impact on the heritage value of the local heritage item. This is due to the sloped topography, the existing vegetation and the privacy this affords in terms of respective existing built elements. Furthermore the proposed development will not change any existing visual impact (being a change of use), as regards the heritage value of the "Villa d'Este".



7.0 CONCLUSION

This statement of environmental effects addresses the statutory planning regime applicable to the development application and demonstrates that the proposed change of use to a dwelling house is permissible, compliant with the relevantly applicable development standards and other planning controls, generally consistent with the relevant guidelines in PDCP, and appropriate in all the circumstances.

The boundary adjustment proposed will correct current anomalies in respect of the land parcel as regards access from a public street and also a current encroachment.

The heads of consideration contained in section 4.15 of the EPAA have been examined and considered to the extent to which they are applicable to the proposed development. In our opinion, there are no matters which would prevent Council from granting consent to the proposed development, subject to the imposition of appropriate and reasonable conditions.

In our opinion, the development proposal merits support from the consent authority.

ANNEXURE 1

LOCALITY MAP



LOCALITY MAP

EXTRACT FROM SIX MAPS



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Annexure 1

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ANNEXURE 2

AERIAL PHOTOGRAPH

ANNEXURE 3

CADASTRAL PLAN



CADASTRAL PLAN

EXTRACT FROM SIX MAPS



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ANNEXURE 4

PHOTOGRAPHIC PALETTE



Photograph 1: Driveway and entrance to property No 1178 Barrenjoey Road



Photograph 2: Looking at the existing dwelling house and (proposed dwelling house) to the right of frame



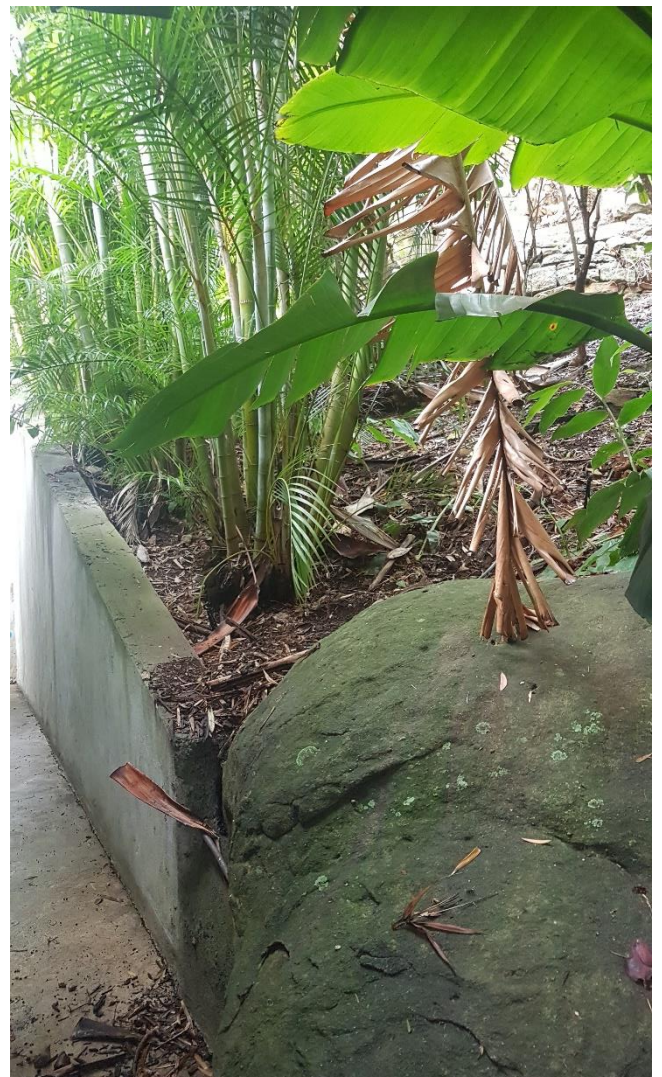
Photograph 3: Existing studio (proposed dwelling house)



Photograph 4: Existing studio (proposed dwelling house) to the left of frame and location of the immediate neighbour (1176 Barrenjoey Road, Palm Beach) to the right of frame



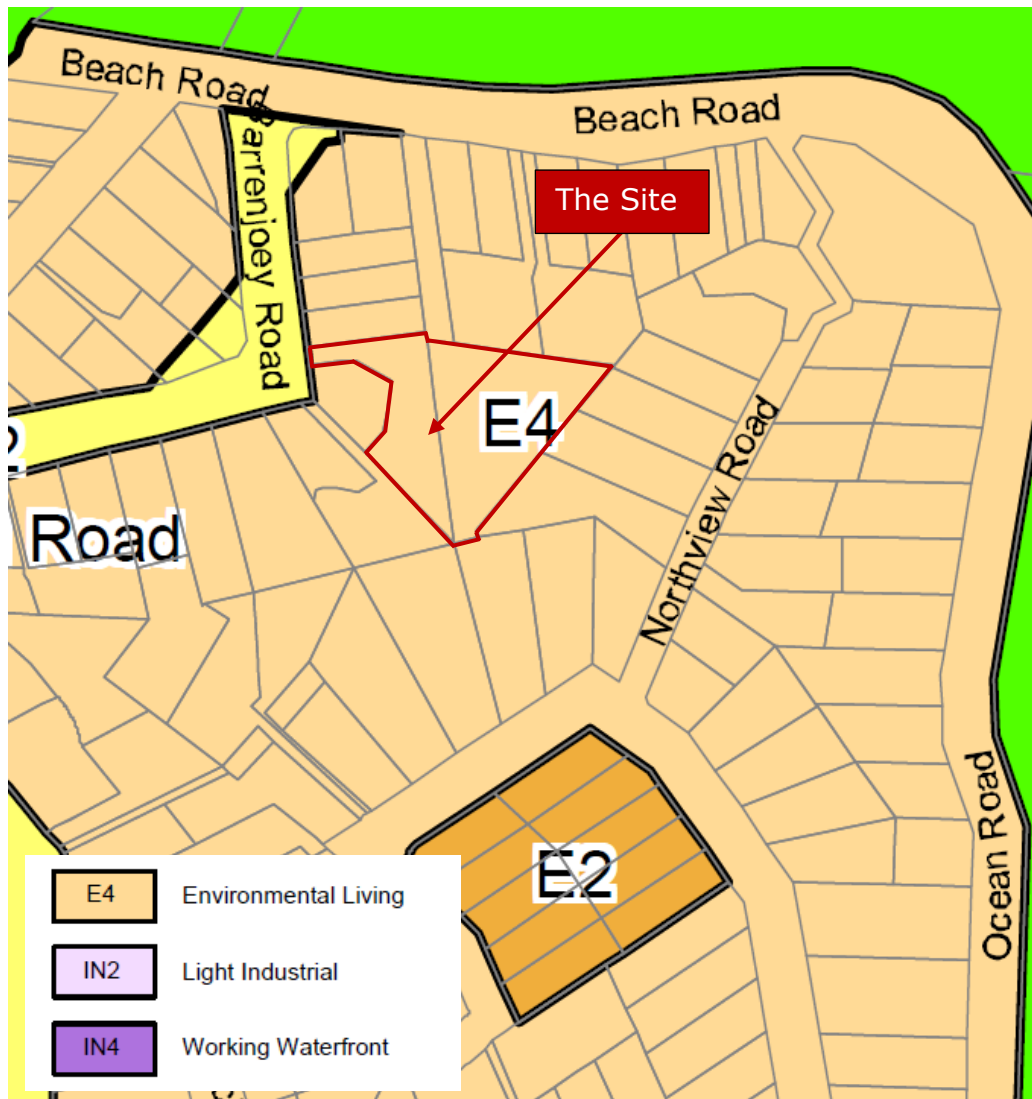
Photograph 5: Rear of the existing studio (proposed dwelling house) and existing retaining wall



Photograph 6: Retaining wall and highly vegetated rear area of the existing studio

ANNEXURE 5

ZONING MAP (EXTRACT FROM PLEP)



ZONING MAP

EXTRACT FROM PLEP 2014



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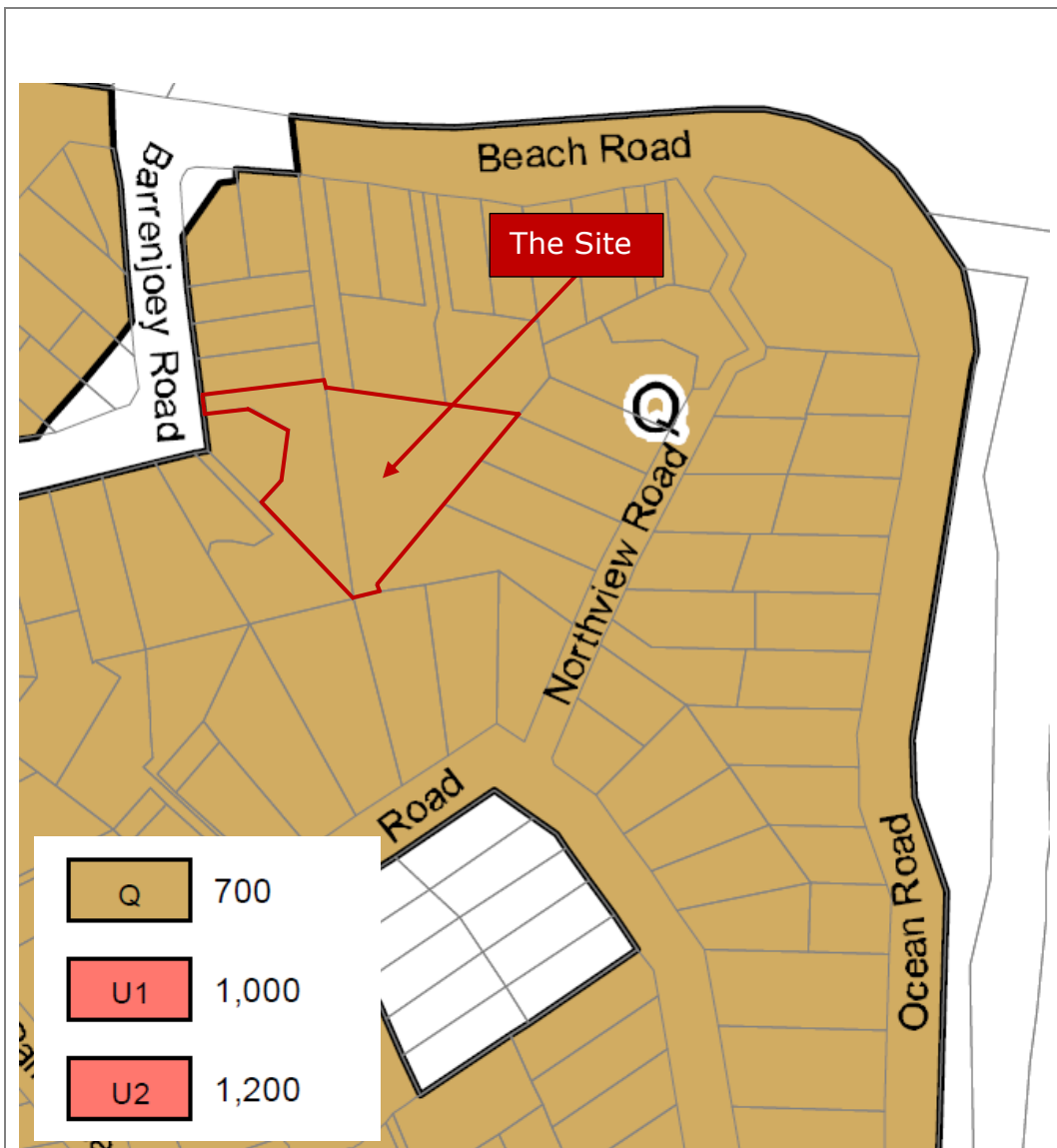
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ANNEXURE 6

MINIMUM LOT SIZE MAP (EXTRACT FROM PLEP)



MINIMUM LOT SIZE MAP

EXTRACT FROM PLEP 2014



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ANNEXURE 7

HEIGHT OF BUILDINGS MAP (EXTRACT FROM PLEP)



HEIGHT OF BUILDINGS MAP

EXTRACT FROM PLEP 2014



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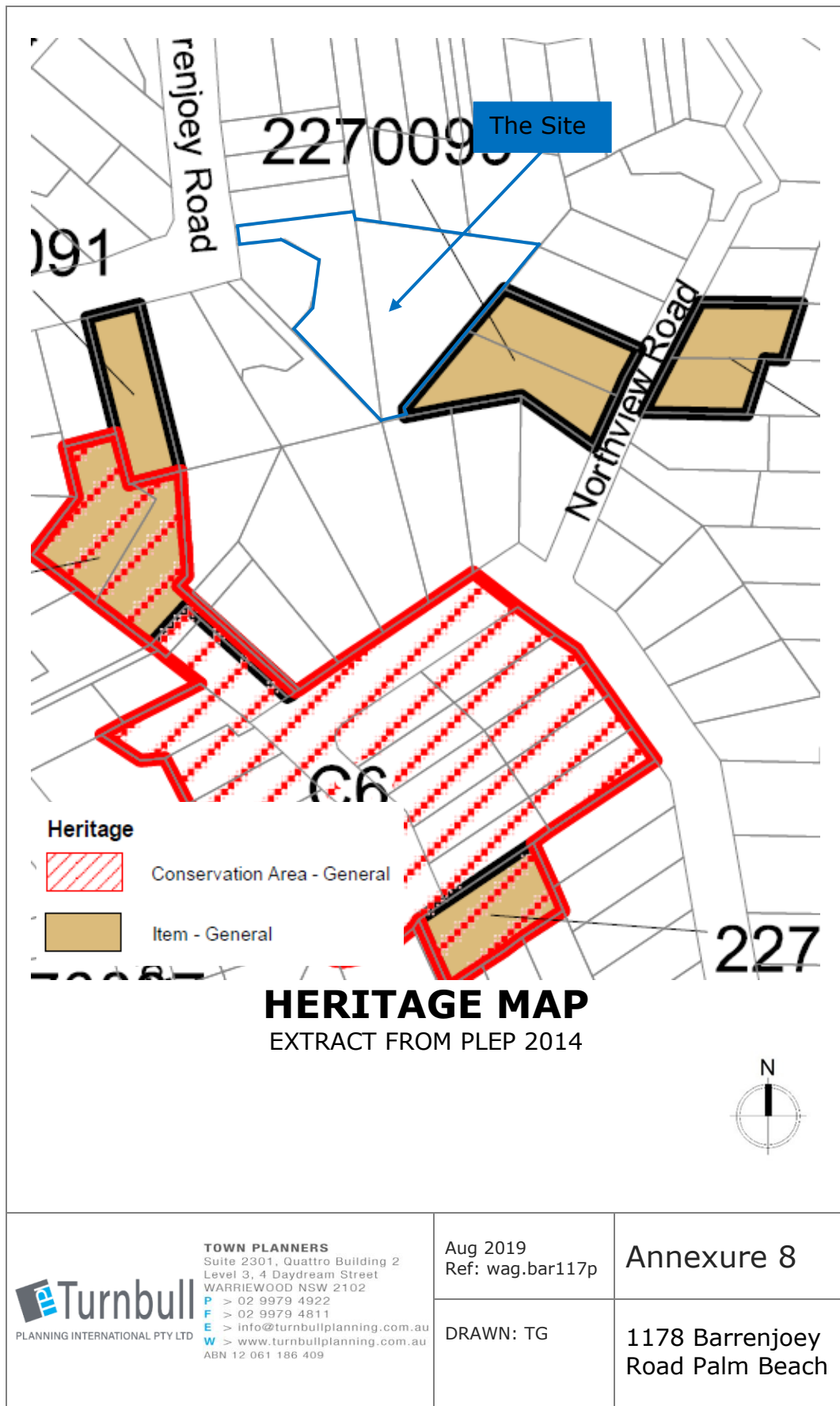
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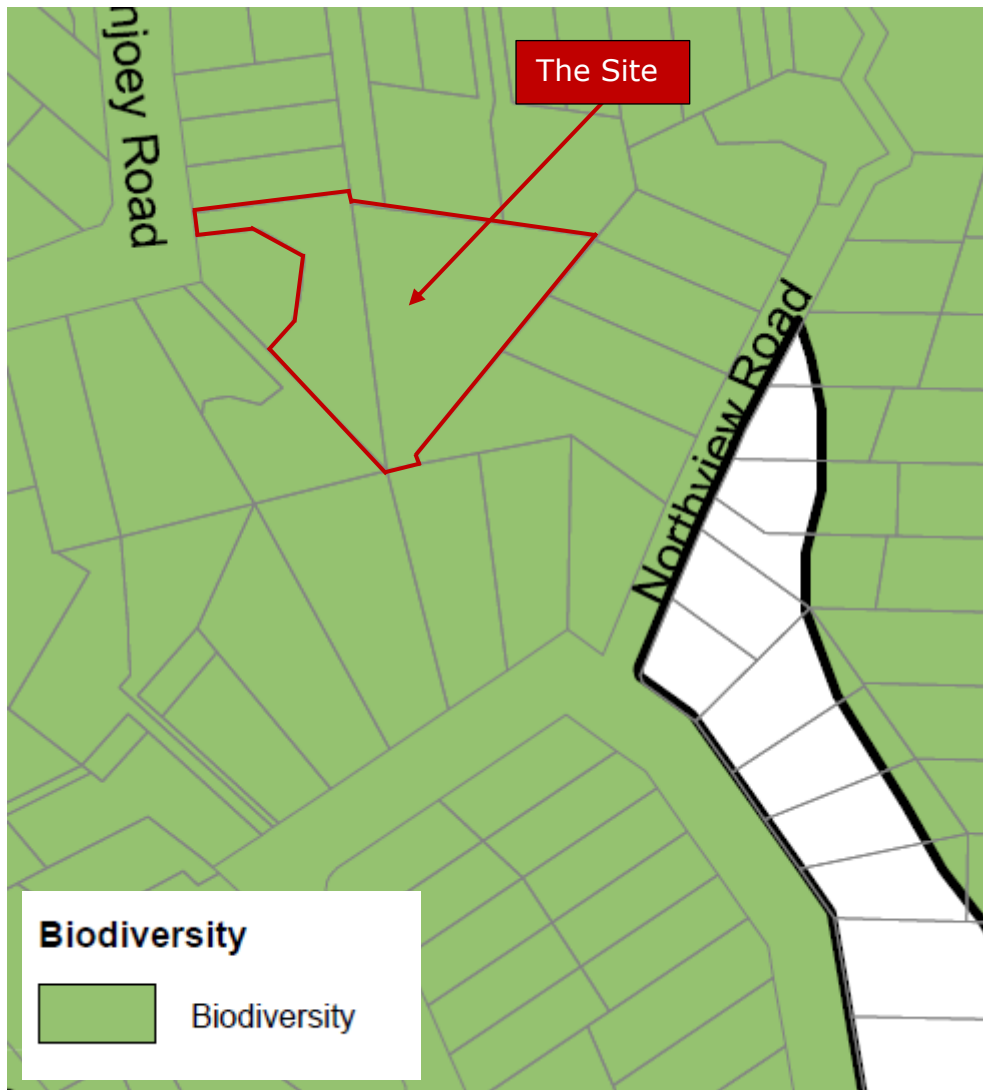
ANNEXURE 8

HERITAGE MAP (EXTRACT FROM PLEP)



ANNEXURE 9

BIODIVERSITY MAP (EXTRACT FROM PLEP)



BIODIVERSITY MAP

EXTRACT FROM PLEP 2014



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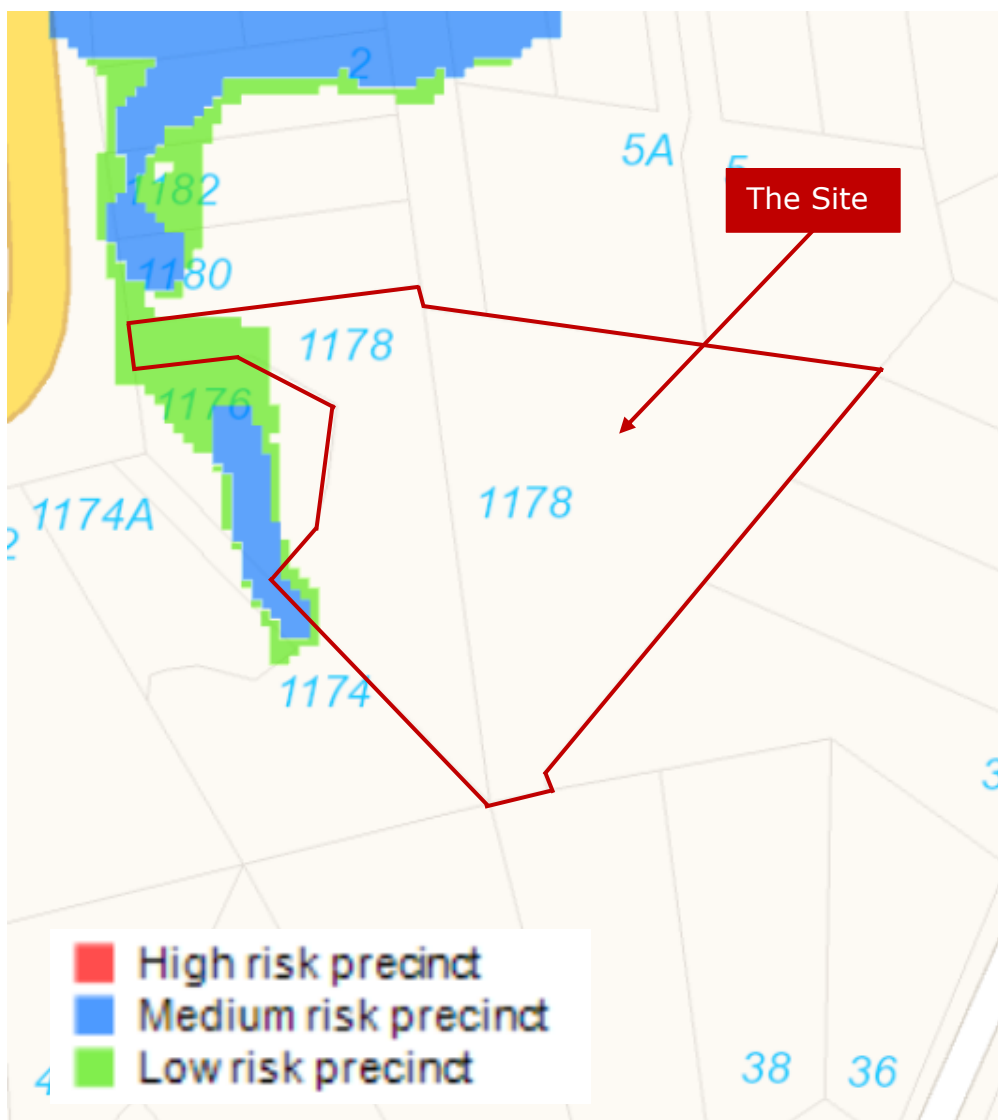
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ANNEXURE 10

PITTWATER FLOOD RISK PLANNING
MAP (EXTRACT FROM PDCP)



PITTWATER FLOOD RISK PLANNING MAP

EXTRACT FROM PDCP



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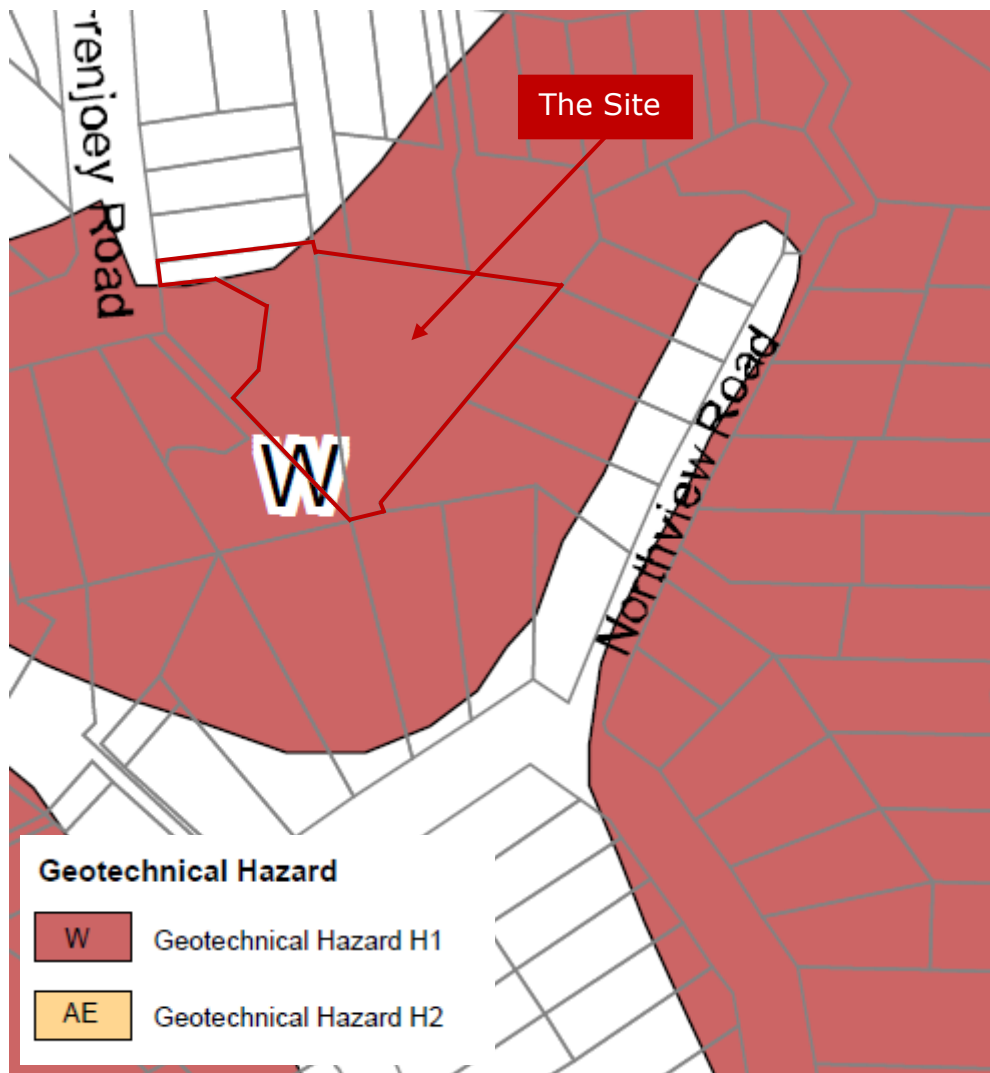
Annexure 10

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ANNEXURE 11

GEOTECHNICAL MAP (EXTRACT FROM PLEP)



GEOTECHNICAL MAP

EXTRACT FROM PLEP



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Annexure 11

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