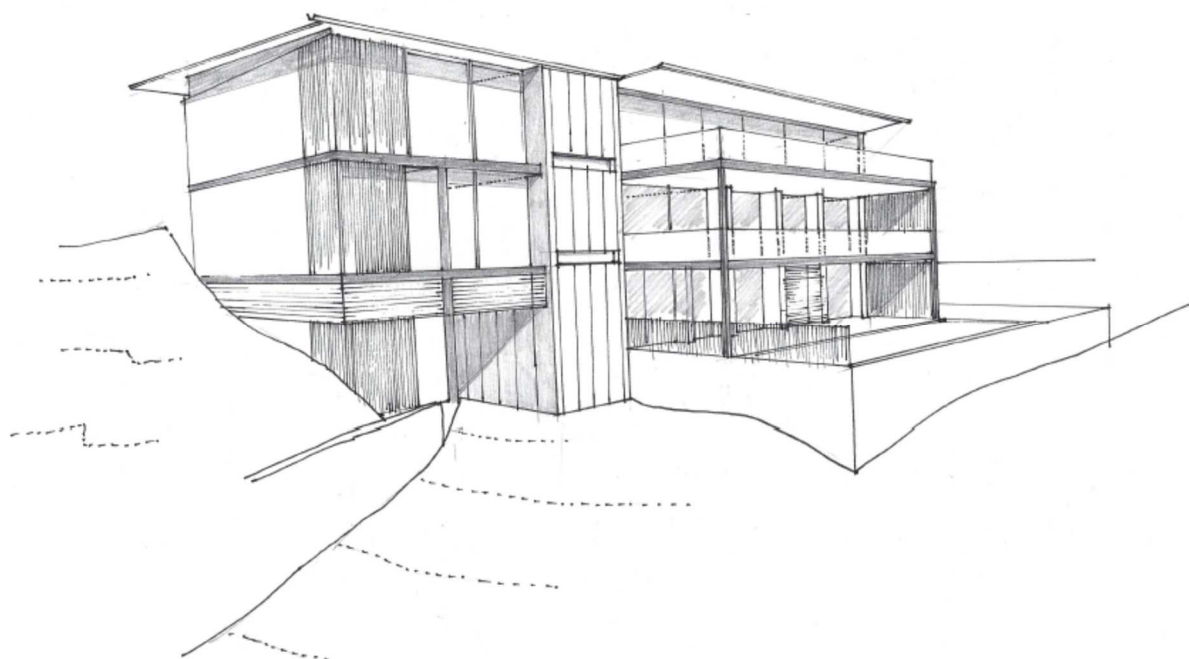




STATEMENT OF ENVIRONMENTAL EFFECTS TO THE NORTHERN BEACHES COUNCIL

Alterations and Additions

3 Bynya Road, Palm Beach



Prepared on behalf of

Susan Mozell & Paul Mirabelle (c/- Case Ornsby Design)

17 JUNE 2019

CONTENTS

1.0	Introduction	1
1.1	Referral authorities.....	1
1.2	Cost of works	1
2.0	Site Description and Analysis	2
3.0	Description of the Proposal	7
3.1	Overview.....	7
3.2	External materials and finishes.....	8
3.3	Stormwater management.....	8
3.4	Height.....	9
3.5	Utilities	9
3.6	BCA compliance.....	10
3.7	Waste management	10
3.8	Setbacks.....	10
3.9	Car parking and access.....	11
3.10	Landscaped area.....	11
4.0	Statement of Environmental Effects	12
4.1	S4.15(1)(a) Statutory considerations	12
4.1.1	<i>BASIX</i>	12
4.1.2	<i>SEPP 2017</i>	13
4.1.3	<i>LEP 2014</i>	13
4.1.4	<i>DCP 21</i>	16
4.2	S. 79C(1)(b) Impact on the environment.....	26
4.2.1	<i>Streetscape character and context</i>	26
4.2.2	<i>Geotechnical hazards</i>	28
4.2.3	<i>Structural</i>	29
4.2.4	<i>Environmental amenity</i>	29
4.2.5	<i>Privacy</i>	30
4.2.6	<i>Acoustics</i>	31
4.2.7	<i>Safety and security</i>	31
4.2.8	<i>Social and economic issues</i>	32
4.2.9	<i>Demolition and waste management</i>	33
4.3	S4.15(1)(c) The suitability of the site for the proposed development	33
4.4	S4.15(1)(d) Any submissions made in accordance with the Act or Regulations	33
4.5	S4.15(1)(e) The public interest	34
5.0	Conclusion	35

List of Figures

1	Aerial location plan with the site shown outlined approximately in red and shaded yellow	4
2	Site analysis plan	5
3	Aerial view of the site and its neighbour (#5 Bynya Road) looking west towards Pittwater	5
4	The site's Bynya Road frontage	6
5	The site's Surf Road frontage looking north.....	6
6	The dwelling's Bynya Road frontage presentation (excluding landscaping).....	8
7	The dwelling's Surf Road frontage presentation (excluding landscaping).....	8
8	Varying existing and proposed maximum heights.....	9
9	Existing and proposed setbacks.....	10
10	Proposed landscape plan	11
11	Aerial photo of the site (the existing built form) and its surrounding hillside built form context ...	26

List of Tables

1	Section 4.15 Checklist	12
2	Compliance with LEP 2014	13
3	Compliance with DCP 21.....	17

1.0 INTRODUCTION

This Statement of Environmental Effects (**SEE**) is submitted to the Northern Beaches Council (the **Council**). It describes a Development Application (**DA**) seeking development consent pursuant to Section 4.16(1) of the Environmental Planning and Assessment, Act, 1979 (the **Act**) for alterations and additions, landscaping and site works at 3 Bynya Road, Palm Beach (the **site**). A detailed description of the proposal is provided at Section 3 of this report.

Lockrey Planning and Development Solutions Pty Ltd (**LPDS**) has prepared this report on behalf of Susan Mozell and Paul Mirabelle. It is based on plans and technical information provided by Case Ornsby Design, the registered architect and supporting technical documents as referenced below.

This report has been prepared pursuant to Section 4.12 of the Act and Clause 50 of the Environmental Planning and Assessment Regulation 2000 (**Regulations 2000**). The purpose of the document is to:

- provide a description of the site context, including identification of the site, existing development on the site, and surrounding development;
- provide a detailed description of the proposed development;
- undertake an assessment of the proposed development in terms of the matters for consideration as listed under Section 4.15 of the Act; and
- identify and assesses the issues relevant to the proposed development.

It should be read in conjunction with the supporting information submitted separately:

- Survey Plan, by Detailed Surveys;
- Architectural Drawings, including Site Analysis, Existing and Proposed Shadow Diagrams, Perspectives, Landscape Plan, Schedule of Materials and Finishes, Waste Management Plan and Calculations, all by Case Ornsby Design;
- Stormwater Management Plan and Structural Advice, by IStruct Consulting Engineers;
- Geotechnical Risk Management Policy Form 1 and Risk Management Analysis, by Jack Hodgson Consultants; and
- BASIX Certificate for Alterations and Additions.

Application for Construction Certificate (**CC**) will be sought separately. Landowners consent will be submitted separately.

1.1 Referral authorities

It is our understanding that only 'standard' referrals to Council's internal departments are required.

1.2 Cost of works

As detailed on the DA Form by Case Ornsby Design, the proposal has a total development cost of \$910,000 (including GST).

2.0 SITE DESCRIPTION AND ANALYSIS

The key characteristics of the site are summarised below:

Location	<ul style="list-style-type: none"> – The site is a corner allotment with frontage to Bynya Road at its western boundary and Surf Road at its eastern boundary. – The site sits approximately halfway between Barrenjoey Road to the west and Whale Beach Road to the east. – Whale Beach and its associated facilities is approximately 300m to the site's east. Pittwater is approximately 210m to the site's west.
Legal property description	<ul style="list-style-type: none"> – Lot 1 in DP 450305. A Survey Plan by Detailed Surveys is submitted separately.
Site area	<ul style="list-style-type: none"> – 1,060m².
Easement(s)	<ul style="list-style-type: none"> – The site is not affected by any known easements. Infrastructure is found external to the site along both Bynya Road and Surf Road.
Shape	<ul style="list-style-type: none"> – Irregular.
Frontage	<ul style="list-style-type: none"> – 50.59m to Bynya Road. – 45.665m to Surf Road.
Zoning	<ul style="list-style-type: none"> – E4 Environmental Living pursuant to the provisions of Pittwater Local Environmental Plan 2014 (LEP 2014) and the accompanying land zoning map (#15).
Heritage and conservation	<ul style="list-style-type: none"> – The site is not an identified heritage item, is not located within the visual catchment of an identified heritage and is not located within a heritage conservation area.
Topography	<ul style="list-style-type: none"> – The main part of the site is underlain by interbedded sandstones, siltstones and shales of the Narrabeen Group. There are numerous rock exposures on the upper and middle part of the site with sandstones predominating. – The site is on the low side of Bynya Road. The surface slopes down from the road at angles between 15° and 25° from an outcrop of sandstone that runs across the site near the front boundary and a sandstone shelf is present under the existing dwelling. The existing multi level masonry and concrete dwelling steps down the site. It is supported on concrete columns and strip footings and concrete slabs.
Vegetation	<ul style="list-style-type: none"> – The site (and surrounding locality) contains established vegetation, that effectively screens the site's existing built form (and its neighbours) from view.
Flooding	<ul style="list-style-type: none"> – The site is not floodprone.
Bushfire	<ul style="list-style-type: none"> – Despite being within a heavily vegetated locality, the site is not bushfire prone.

Landslip	– Council’s Landslip Map identifies the site as being located adjacent to within the Geotechnical Hazard 1 area (Geotechnical Risk Management Policy 2009).
Foreshore building line	– The site is not affected by a foreshore building line.
Biodiversity	– The site is identified as containing biodiversity.
Acid sulfate soils	– The site is Class 5 acid sulfate soils.
Existing improvements	<ul style="list-style-type: none"> – Currently existing on the site is two storey plus high undercroft (effectively a third storey) brick dwelling house with a pitched tiled (roof ridge RL 67.2). The dwelling is oriented to the east to take advantage of the locality’s topography and panoramic views of Whale Beach and its surrounds and the Pacific Ocean generally. – A double vehicle brick garage with a pitched tile roof (roof ridge RL 68.13) is adjacent the site’s north western boundary. It is connected to the existing dwelling and is accessed via a concrete driveway and vehicular crossing via Bynya Road. A separate concrete driveway and crossing via Surf Road is adjacent the site’s south eastern boundary. – The finished floor levels (FFL) are as follows: <ul style="list-style-type: none"> - approximately 55.09 for the undercroft area; - 60.25 for the ground level; - 63.08 and 63.67 for the split first floor level; and - 64.13 for the garage. – The ground floor level comprises a rumpus room, kitchen, stairs connecting to the first floor level above, laundry, bathroom, bedrooms 1 and 2 and an east facing balcony (FFL 60.18) accessed via sliding glass doors from the kitchen and bedroom 1. – The first floor level comprises the dwelling’s main entry, open plan living and dining, kitchen, toilet, stairs connecting to the level below, master bedroom with ensuite and walk in robe. A large east facing balcony is accessed via sliding doors and the large open plan living and dining room. At the front (western side) a verandah is adjacent the entry porch. – The undercroft area is open other than for the stairs which connect to the levels above and numerous vertical structural columns. – Established landscaped areas are provided around the site’s perimeter and which effectively screen the existing built form from view from the surrounding public domain.
Surrounding context	– The surrounding locality is characterised by multi level elevated dwellings set on typical allotments of land influenced by the locality’s topographical characteristics and mature/thick vegetation. A variety of housing types and architectural styles are provided within a relatively consistent subdivision pattern that is influenced by the locality’s

topographical variations (falling from west to east or front to back). The integrity of individual dwellings varies considerably. There is little architectural, aesthetic, social or cultural built form significance. Dwellings are typically adjusted to the natural topography or are provided with large undercroft areas. They are oriented to take advantage of their easterly, north easterly and south easterly views and vistas.

- The site's only real built form neighbour is to its north at 5 Bynya Road. This property contains a three storey weatherboard dwelling with a metal roof. It has a swimming pool within its backyard adjacent to the south eastern boundary. This dwelling is generally screened from the site via existing perimeter mature vegetation. This dwelling is also oriented in an easterly direction to taken advantage of the elevated panoramic views.

An aerial location plan is provided at **Figure 1**. A diagrammatic site analysis plan by Case Ornsby Design is included at **Figure 2** and is within the Architectural Drawings submitted separately. Photographs of the site and its adjacent built form context are shown at **Figures 3 to 5** (inclusive).

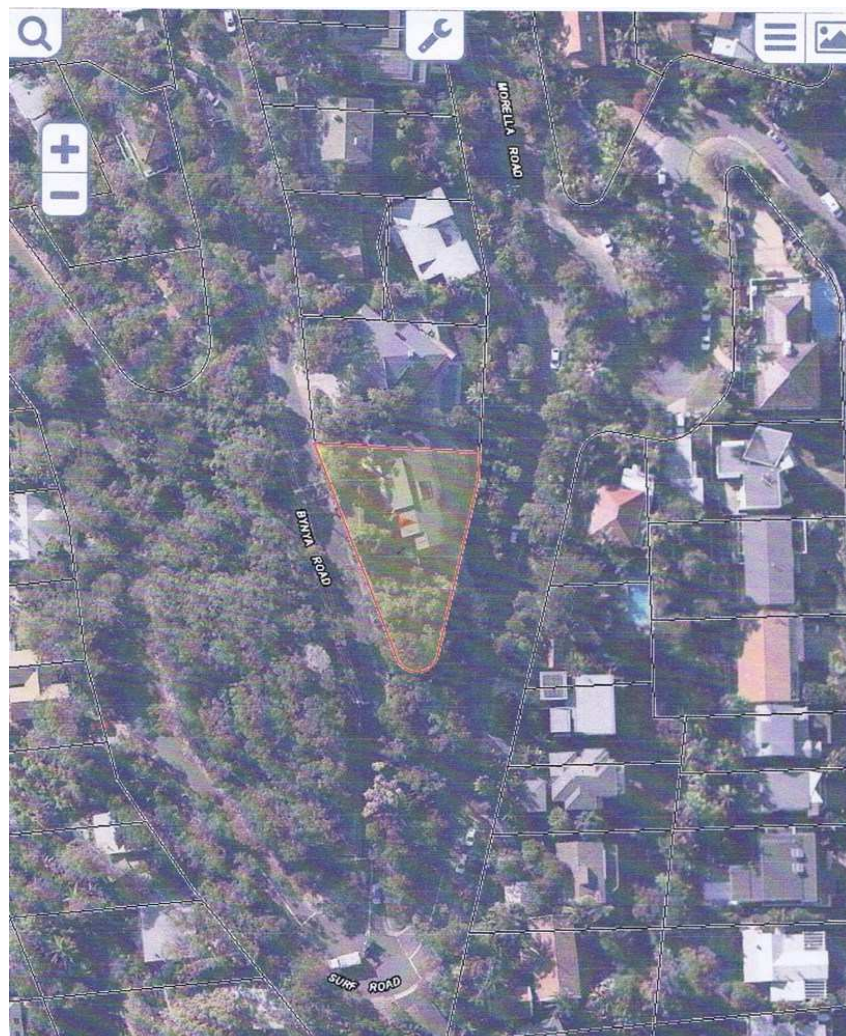


Figure 1 – Aerial location plan with the site shown outlined approximately in red and shaded yellow

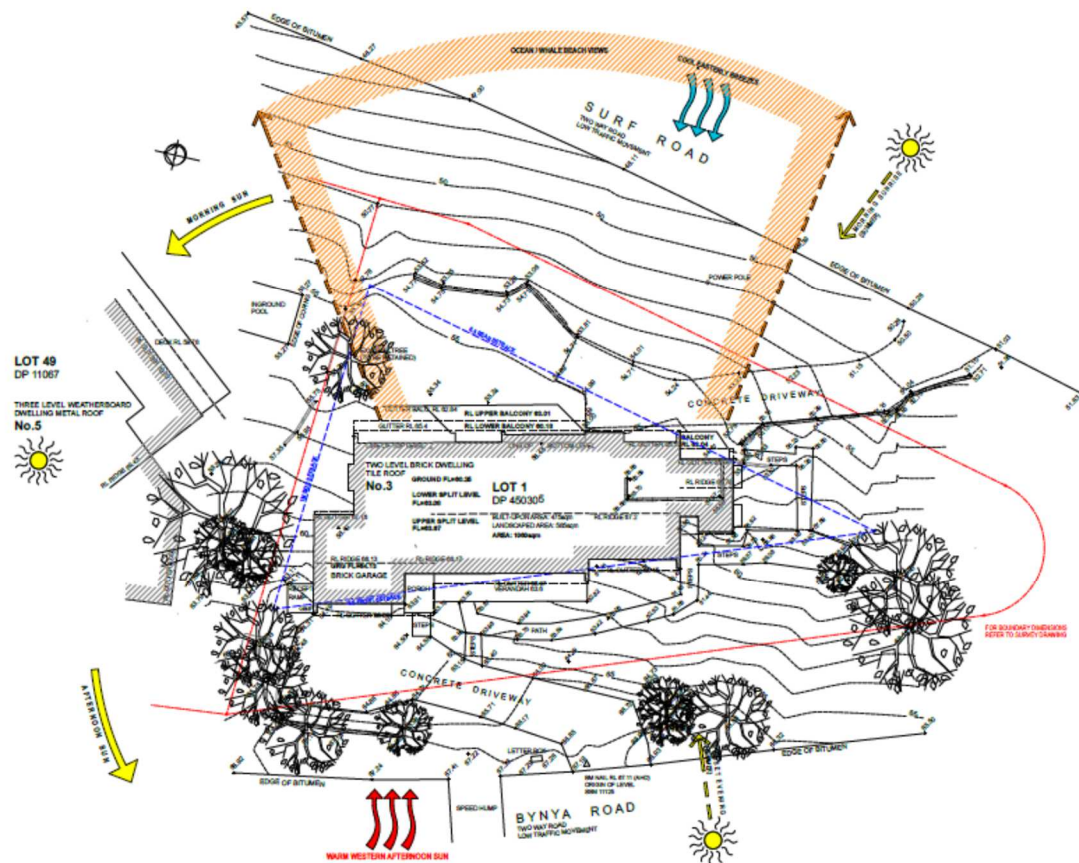


Figure 2 – Site analysis plan



Figure 3– Aerial view of the site and its neighbour (#5 Bynya Road) looking west towards Pittwater



Figure 4 – The site's Bynya Road frontage

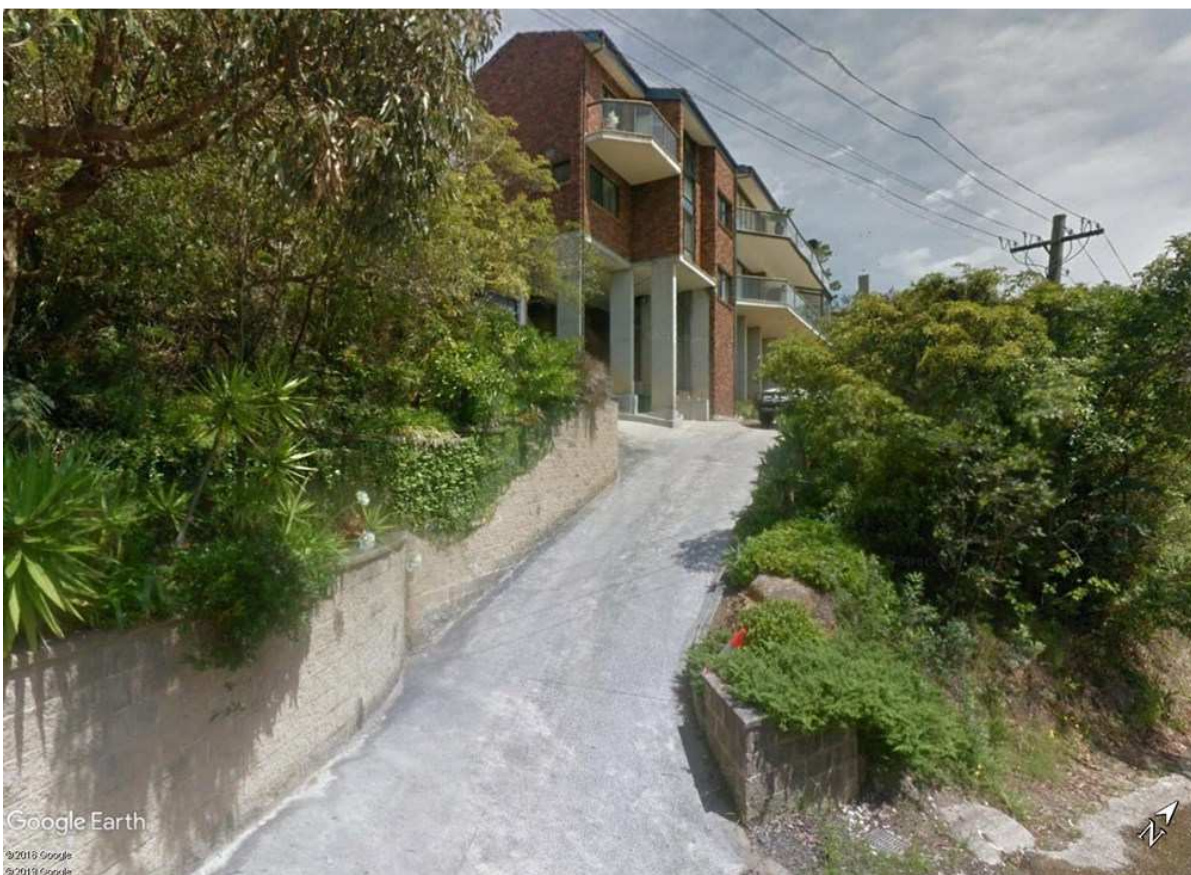


Figure 5 – The site's Surf Road frontage looking north

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Overview

Architectural Drawings of the proposal with **all new work shown coloured** by Case Ornsby Design are submitted separately. Calculations have been provided by Case Ornsby Design and are based on the referenced definitions.

Pursuant to Section 4.16 of the Act, development consent is being sought for alterations and additions to the existing dwelling house and its surrounds at 3 Bynya Road, Palm Beach, which can be generally described as follows:

- nominated demolition works;
- new doors, windows, stairs, openings and screenings;
- new colorbond (ultra) tray style insulated roof and half round gutter with new chimney flue and two new skylights (2.9m x 3.05m and 1.1m x 7m);
- internal reconfiguration and enlargement of the ground floor level (FFL as existing). This level will now comprise bedrooms 1 and 2, bathroom, storage, kitchenette, rumpus, laundry, guest bedroom with ensuite, wet room and enlarged east facing 3.5m x 15m balcony with a privacy screen to the northern side;
- internal reconfiguration and enlargement of the first floor (split FFL's as existing). This level will now comprise the main entry and porch, study, open plan sitting, dining and living room, breakfast room and kitchen, pantry, toilet, master bedroom with walk in robe and ensuite and enlarged east facing 3m x 15m balcony with a privacy screen to the northern side. A secure retained 3m x 12m terrace is to the west (Bynya Road) of and directly accessible from the breakfast room and kitchen;
- formalisation of the undercroft level (FFL 57.25) to comprise a guest bedroom, shower, bunk bed room, toilet, bar and pool house and southern entry point, carport and store. A privacy screen is adjacent the northern extent of the guest bedroom;
- new 3.5m x 8.167m swimming pool and timber / tiled terrace surrounds, including a spa and pool fencing to AS 1926 directly accessible from the pool house / studio undercroft level;
- reconfiguration and enlargement of the existing double garage and new timber weather boards over the garage door; and
- landscaping and other required site works including concrete terraces and retaining walls with render finish and stepping stones (varying design and shapes) and rainwater tank (**RWT**).

Sketches of the altered and added to built form as viewed from Bynya Road and the site's Surf Road frontage are provided overleaf at **Figures 6 and 7**.

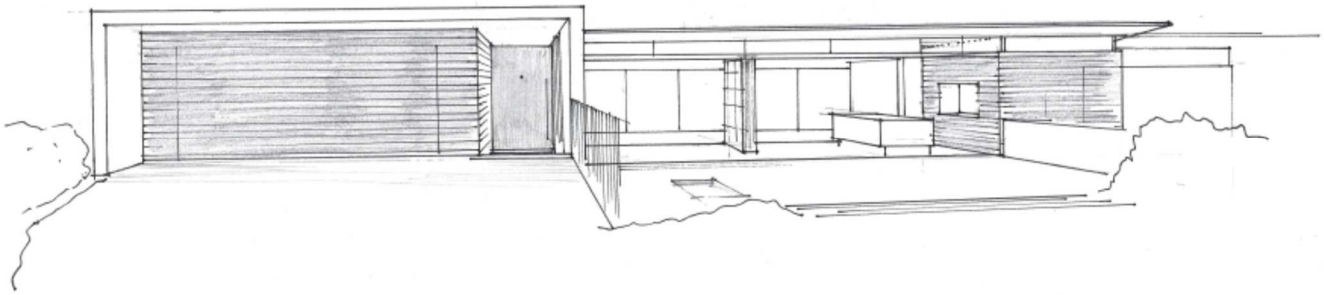


Figure 6 – The dwelling's Bynya Road frontage presentation (excluding landscaping)



Figure 7 – The dwelling's Surf Road frontage presentation (excluding landscaping)

3.2 External materials and finishes

The proposed external materials and finishes are high quality, durable (in recognition of the relatively harsh coastal location), contemporary in nature and non-reflective so that they are sympathetic and complementary to the existing neighbourhood character of Palm Beach. A Schedule of External Materials and Finishes by Case Ornsby Design is contained within the Architectural Drawings submitted separately.

3.3 Stormwater management

IStruct has prepared a Stormwater Management Plan (submitted separately) for the proposal in accordance with Council's standard practices and requirements. The key aspects of the stormwater design include:

- 477m² pre-development impervious area;

- 518m² post development impervious area;
- 41m² increase in impervious area. As the increase is less than 50m² on site detention (**OSD**) is not required;
- the provision of a 1,500 litre RWT at the undercroft level adjacent to the northern boundary for storage and reuse; and
- the provision of 1500mm diameter PVC piping to connect to existing stormwater infrastructure.

3.4 Height

Due to substantial topographical variations, the dwelling house has an existing maximum building height ranging from 3.671m (Bynya Road frontage) to a maximum 11.243m (centrally) and 9.515m at its eastern elevation as measured from ground level existing.

As demonstrated by **Figure 8**, the proposed works will decrease the dwelling's height which ranges from 4.791m (Bynya Road frontage) to a maximum of 10.303m at its eastern elevation. The existing dwelling is shown outlined and notated in blue with the proposed works shown hatched red.

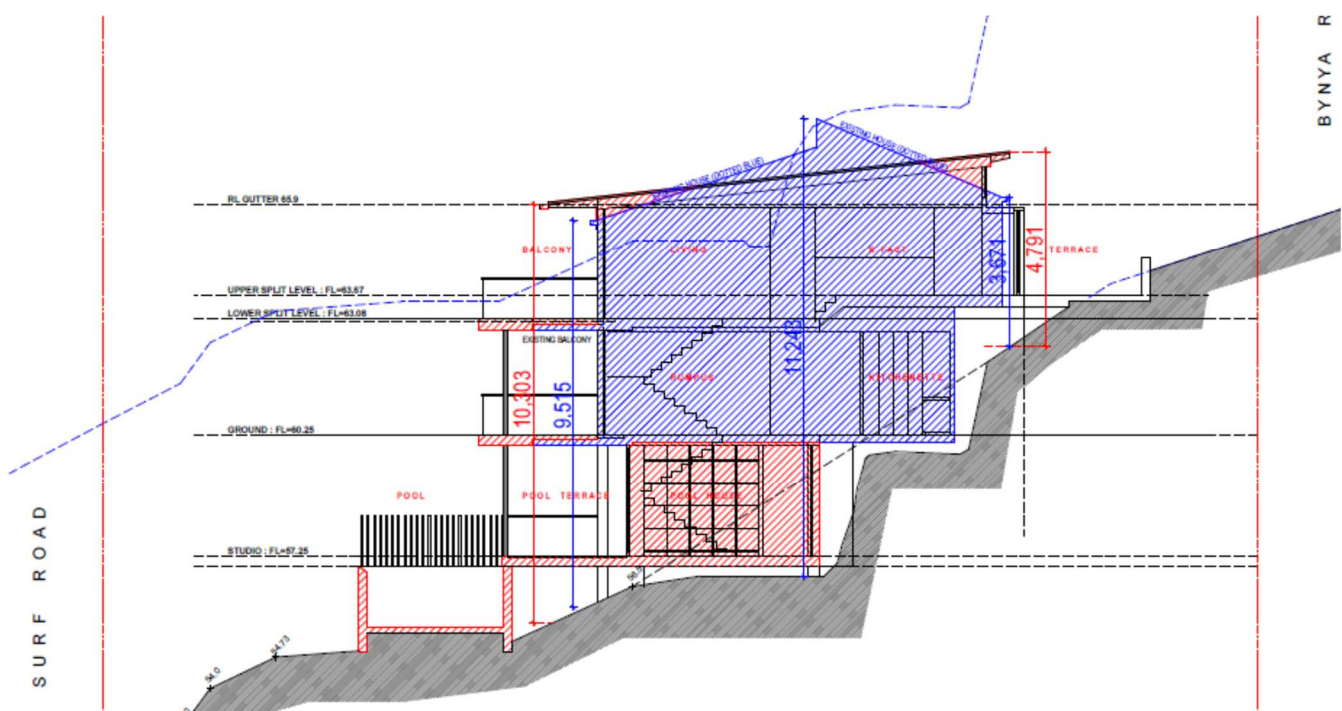


Figure 8 – Varying existing and proposed maximum heights

3.5 Utilities

The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

3.6 BCA compliance

Case Ornsby Design has prepared the Architectural Drawings (submitted separately) in compliance with the relevant performance criteria and deemed to satisfy provisions of the Building Code of Australia (BCA). Subject to detailed design as part of the CC, the proposal is capable of compliance with the relevant requirements of the BCA.

3.7 Waste management

Case Ornsby Design has prepared a Waste Management and Minimisation Plan (submitted separately) in accordance with Council's standard requirements. On-going waste management will be in accordance with Council's standard requirements. Collection of garbage from the site will continue in the same manner, by Council's contractors on the designated day(s). A bin enclosure is maintained at the site's front and concrete driveway.

3.8 Setbacks

The proposed works to the dwelling house generally maintain its existing predominant building envelope, with the formalisation of the undercroft level. A setback diagram (shown blue) is provided at **Figure 9**.

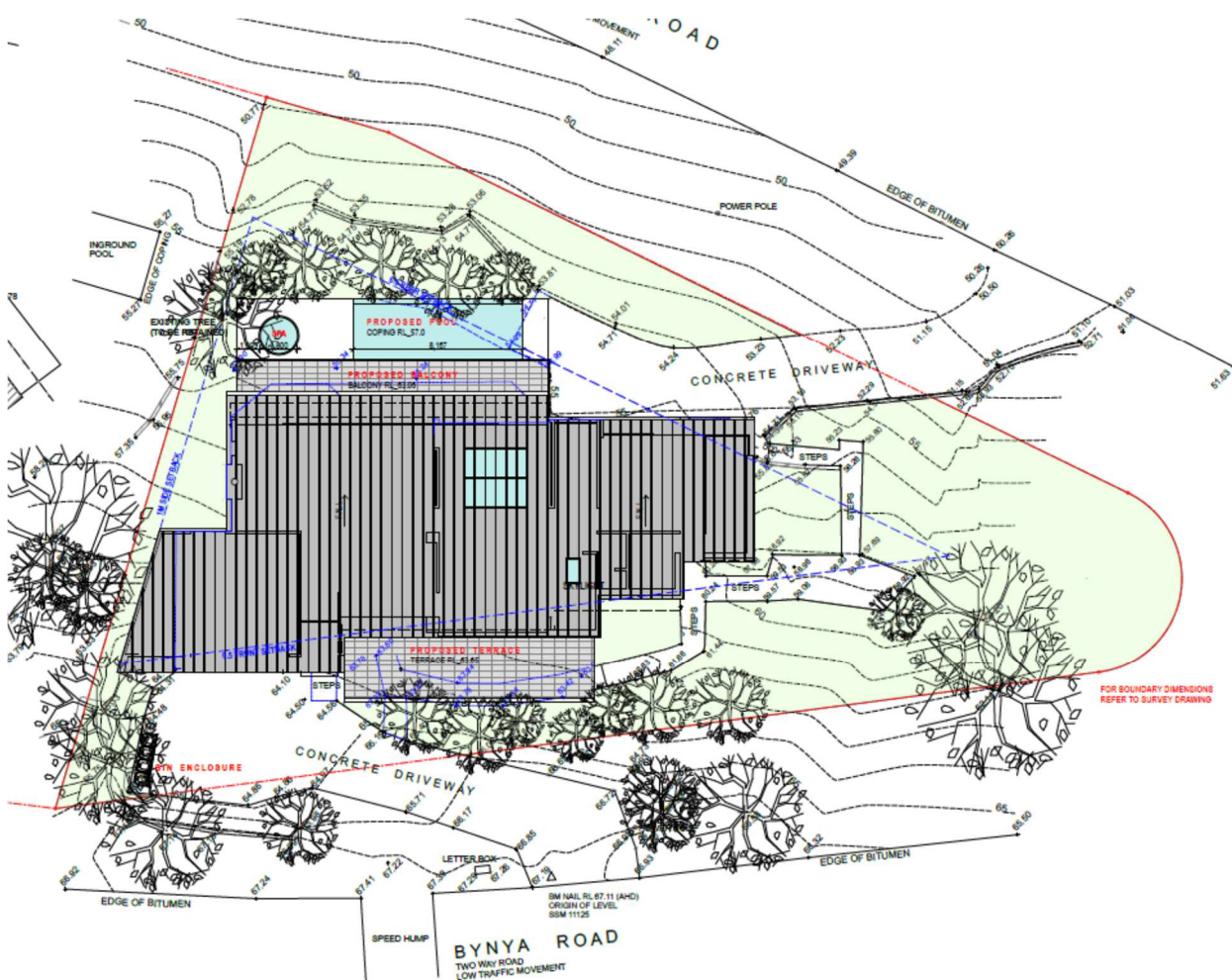


Figure 9 – Existing and proposed setbacks

3.9 Car parking and access

The existing double garage (FFL 64.13 – first floor level) is slightly enlarged / reconfigured. It is irregular in shape to enable additional storage on its northern side. The garage has a setback of 1m to the northern boundary. Access to this garage via the existing driveway and crossing via Bynya Road is not altered. A new single vehicle carport is proposed within the southern portion of the undercroft level. Access to the carport is provided via the existing and unaltered driveway and crossing on Surf Road.

A revised front (Bynya Road) pedestrian entrance and porch is proposed. Additional entrances to the dwelling via the formalised undercroft level are also proposed. It is noted the existing internal stairs are retained to enable access to and from all levels of the dwelling.

3.10 Landscaped area

A total of 528.01m² (49.8%) of the site will comprise landscaped area. The only variation to the existing provision of landscaping on the site is the proposed swimming pool and its surrounds. The fundamental characteristics of the site's landscaped area remain unaltered, that is useable grassed areas promoting infiltration and absorption. In addition to the ground level landscaped areas, the site is provided with various external balconies (slightly enlarged from that existing) and terraces directly accessible from the rooms they are connected to, which enable indoor/outdoor living.

A Landscape Plan by Case Ornsby Design is submitted separately and is reproduced below at **Figure 10**.

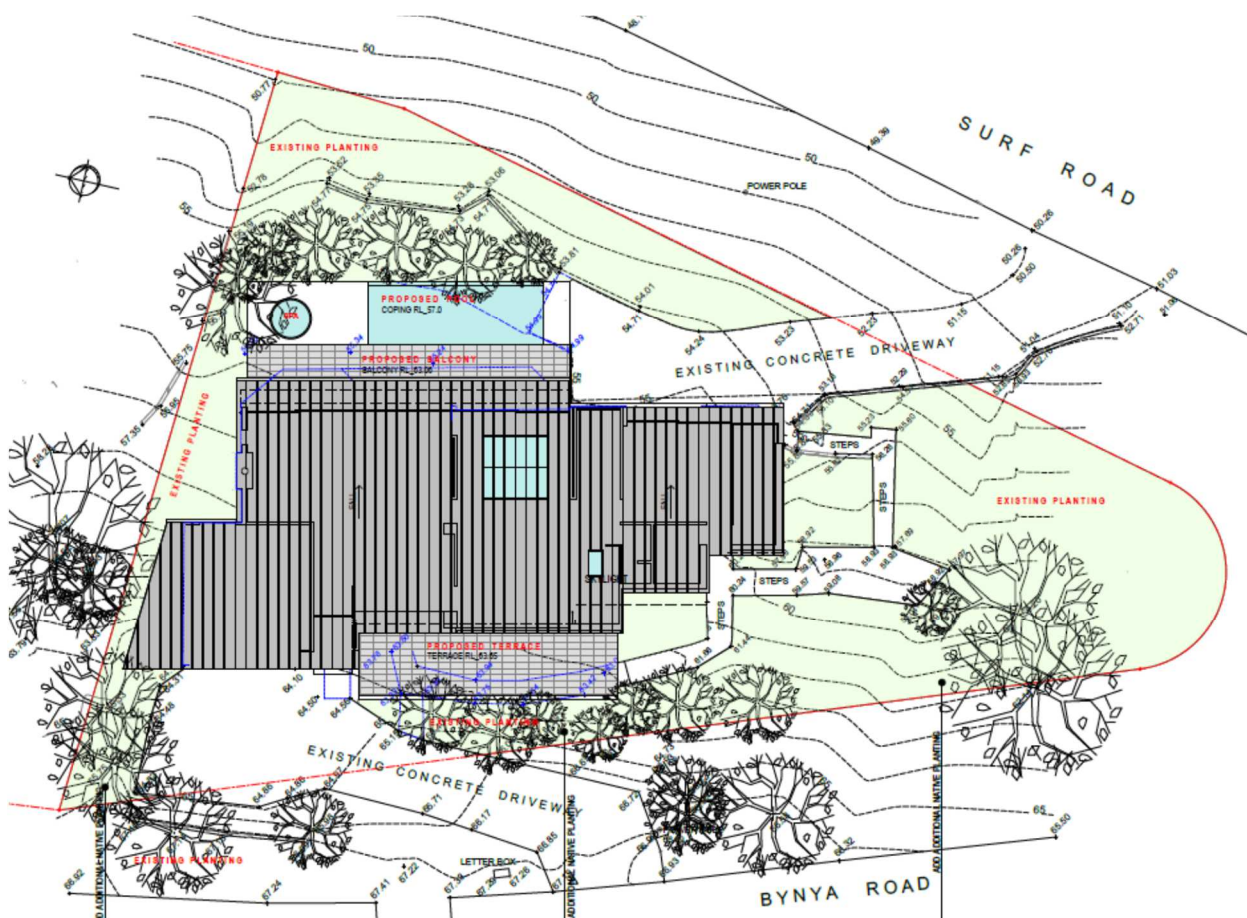


Figure 10 – Proposed landscape plan

4.0 STATEMENT OF ENVIRONMENTAL EFFECTS

The following is our assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment includes only those matters under Section 4.15(1) that are relevant to the proposal as identified in **Table 1**.

Table 1 – Section 4.15 Checklist

Matter for Consideration	Comment
– Provisions of relevant Environmental Planning Instruments	– Refer to Sections 4.1.1, 4.1.2 and 4.1.3.
– Provisions of relevant Draft Environmental Planning Instruments	– NA
– Provision of relevant Development Control Plans	– Refer to Section 4.1.4.
– Provisions of relevant Planning Agreements	– NA
– Any matters pursuant to the Regulations	– NA
– Provisions of any relevant Coastal Management Plans	– NA
– The likely impacts of the development	– Refer to Section 4.2.
– The suitability of the site for the development	– Refer to Section 4.3.
– Any submission made in accordance with the Act or the Regulations	– Refer to Section 4.4.
– The public interest	– Refer to Section 4.5.

4.1 S4.15(1)(a) Statutory considerations

The following environmental planning instruments and development control plan are relevant to the proposal:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (**BASIX**);
- State Environmental Planning Policy (Vegetation in Non Rural Areas) 2017 (**SEPP 2017**);
- Pittwater Local Environmental Plan 2014 (**LEP 2014**); and
- Pittwater Development Control Plan 21 (**DCP 21**).

An assessment of the proposal's compliance with the relevant provisions of these plans follows overleaf.

4.1.1 BASIX

BASIX applies to the proposal¹. As such the Regulations requires a BASIX Certificate to accompany the DA. A BASIX Certificate for Alterations and Additions is submitted separately demonstrating compliance with the relevant BASIX requirements.

¹ Pursuant to the Environmental Planning and Assessment Regulation 2000, a **BASIX affected building** means any building that contains one or more dwellings but does not include a hotel or motel.

4.1.2 SEPP 2017

SEPP 2017 applies to land within the Northern Beaches LGA. The proposal does not involve tree removal. A total of 528.01m² (49.8%) of the site will comprise landscaped area. The only variation to the existing provision of landscaping on the site is the proposed swimming pool and its surrounds. The fundamental characteristics of the site's landscaped area remain unaltered, that is useable grassed areas promoting infiltration and absorption.

4.1.3 LEP 2014

The relevant provisions of LEP 2014 are addressed below at **Table 2**.

Table 2 – Compliance with LEP 2014

Clause	Requirement	Proposal/Compliance
Cl. 2.1 – Land use zones and Cl. 2.2 – Zoning of land to which this plan applies	– Pursuant to the zoning map, the site is located within the E4 Environmental Living Zone.	✓ Noted.
Cl. 2.3 – Zone objectives and land use table	<p>– The following development is permissible with development consent in the E4 Environmental Living zone:</p> <p><i>Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures (my emphasis)</i></p> <p>– The objectives of the E4 Environmental Living zone are:</p> <ul style="list-style-type: none"> - 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. 	<p>✓ The site contains a single dwelling house. The land use is not being altered. Alterations and additions to the existing dwelling house are proposed which are permissible with development consent.</p> <p>✓ The proposal is consistent with the objectives of the E4 Environmental Living zone as it:</p> <ul style="list-style-type: none"> - maintains the existing dwelling house on an existing single low density residential allotment of land; - undertakes works which maintain and/or improve the site's natural landscape features; - provides a built form which is integrated into its landscape; - has no impact on foreshore vegetation or wildlife corridors; - does not result in the loss of significant vegetation; - has no identifiable impact on the viability of ecological communities or threatened species.
Cl. 2.7 – Demolition requires development consent	– Development consent is required for demolition.	✓ Nominated demolition works are shown on the Architectural Drawings by Case Ornsby Design submitted separately.

Clause	Requirement	Proposal/Compliance
Cl. 4.3 – Height of buildings	– 8.5m maximum building height	X The existing dwelling house has a maximum building height of 11.243m. The proposed alterations and additions will reduce the dwelling's height to 10.303m. Refer to the Clause 4.6 discussion below for further information.
Cl. 4.6 – Exceptions to development standards	<ul style="list-style-type: none"> – Consent may be granted for development which does not comply with a development standard imposed under LEP 2014. – Consent must not be granted for development which departs from a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the departure by demonstrating: <ul style="list-style-type: none"> (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard. – Consent must not be granted for development that departs from a development standard unless: <ul style="list-style-type: none"> (a) the consent authority is satisfied that: <ul style="list-style-type: none"> (i) the applicant's written request has adequately addressed the matters required above, and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained. 	<p>X/v Noted. The existing dwelling departs from the height standard at Clause 4.3. The proposed works reduce the dwelling's maximum height although the dwelling overall still departs from the standard. A Clause 4.6 Exception to Development Standards submission by LPDS is submitted separately and which demonstrates that:</p> <ul style="list-style-type: none"> - compliance with the standard is unreasonable and unnecessary; - the proposal does not result in any material environmental impacts to adjoining and adjacent properties and the surrounding public domain; - the proposal is in the public interest; - the proposal is consistent with the relevant zone objectives; - the proposal is consistent with the stated objectives of the standard; and - there are sufficient environmental planning grounds to support the variation.

Clause	Requirement	Proposal/Compliance
Cl. 7.1 – Acid sulfate soils	– The site is Class 5 acid sulfate soils.	<p>✓ The proposed works are not likely to lower the water table below 1m AHD on any land within 500m of a Class 1, 2 and 3 land classification. Accordingly, any further assessment is not required as acid sulfate soil affectation is unlikely. Refer below.</p>
Cl. 7.2 - Earthworks	<p>– Council is to consider the following in relation to earthworks:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. 	<p>✓ Refer to Section 4.2 for further information. There will no importation of fill to the site. Excavation is only required for the swimming pool and its surrounds.</p> <p>✓ The adjacent properties are at similar elevations and have similar geomorphology. No geotechnical hazards adversely affect the site and the proposed excavation is unlikely to have an adverse impact relative to natural watercourses, natural drainage patterns and landform in general.</p> <p>✓ The amount of excavation is consistent with the requirements of Clause 7.2 as:</p> <ul style="list-style-type: none"> - the site's existing topography is generally respected despite being terraced; - it is typically sited away from the site's boundaries; - the impact on existing vegetation is minimal; - the site's permeability is maintained; and - new planting is proposed. <p>✓ Council can impose standard conditions of development consent to ensure the integrity of adjoining properties and buildings including:</p> <ul style="list-style-type: none"> - a soil and erosion sediment control plan; - structural certificates; - dilapidation report; and - construction management plan.
Cl. 7.6 – Biodiversity	– The site is classified as containing biodiversity.	<p>✓ The site will contain 528.01m² (49.8%) landscaped area. The dwelling's external envelope is not materially altered. The only variation to the existing provision of landscaping on the site is the proposed swimming pool and its surrounds. The fundamental characteristics of the site's landscaped area (including vegetation and ground conditions) remain unaltered. The proposal is unlikely to have any adverse impact on the condition, ecological value and significance of the flora and fauna on the land; nor have any adverse impact on habitat of native fauna; or disturb, fragment or diminish the structure, function and composition of biodiversity on the site; or have any adverse impacts on biodiversity connectivity.</p>

Clause	Requirement	Proposal/Compliance
Cl. 7.7 – Geotechnical hazards	– As the site is identified as having potential geotechnical hazards, Council is to consider whether or not the development takes into account all geotechnical risks.	✓ Jack Hodgson Consultants has prepared a Geotechnical Risk Management Policy Form 1 (submitted separately) report in accordance with Council's standard practices and guidelines. Refer to Section 4.2 for further information.
Cl. 7.10 - Essential services	– Development cannot be granted unless adequate infrastructure (utilities) is available.	✓ The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

4.1.4 DCP 21

An assessment of the proposal against the specifically relevant guidelines of DCP 21 is addressed at **Table 3** overleaf.

Section 4.15(3A) of the Act states:

If a development control plan contains provisions that relate to the development that is subject of a development application, the consent authority:

- (a) if those provision set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development does not strictly comply with those standards – **is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and***
- (c) may consider those provisions only in connection with the assessment of that development application. (our emphasis)*

The proposal relies on some minor variations to DCP 21. The proposal is consistent with development already permitted on adjacent land and under the circumstances, dispensation from strict adherence to the controls will enable a better outcome for the site.

We note that Sections 3.42 and 4.15(3A) of the Act clarify that a DCP is only to act as a guideline, and that Council's are to be flexible and allow for alternative solutions where an application does not meet the applicable guidelines in a DCP.

Table 3– Compliance with DCP 21

Element	Control	Proposal/Compliance
Part B – General Controls		
Hazards - landslip	<ul style="list-style-type: none"> – Development is to comply with the Geotechnical Risk Management Policy. – 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. 	✓ Jack Hodgson Consultants has prepared a Geotechnical Risk Management Policy Form 1 (submitted separately) report in accordance with Council's standard practices and guidelines. Refer to Section 4.2 for further information.
Water management plan	<ul style="list-style-type: none"> – An Integrated Water Management approach must be undertaken on all land subject to development for the effective water management of all water on the site. 	✓ Istruct Consulting Engineers has prepared detailed Stormwater Management Plans (submitted separately) for the proposal in accordance with Council's standard practices and guidelines. OSD is not required (refer to Section 3.3). The proposal is BASIX compliant which includes a water component (see Section 4.1.1).
Wastewater	<ul style="list-style-type: none"> – All premises must be connected to the Sydney Water centralised sewerage waste disposal system where available 	✓ The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.
Stormwater management	<ul style="list-style-type: none"> – Stormwater management plan required. 	✓ Istruct Consulting Engineers has prepared detailed Stormwater Management Plans (submitted separately) for the proposal in accordance with Council's standard practices and guidelines. OSD is not required (refer to Section 3.3).
Access driveways	<ul style="list-style-type: none"> – Access driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property. 	✓ The existing vehicular access arrangements to the site via both Bynya and Surf Roads is not altered. Vehicles can enter and leave the site in a forward direction.
	<ul style="list-style-type: none"> – Access driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety 	✓ Refer to the above comment. Existing driveways are to remain unaltered.
Off street parking requirements	<ul style="list-style-type: none"> – 2 spaces for a large dwelling (2+ bedrooms) 	✓ The existing double garage (FFL 64.13 – first floor level) is slightly enlarged / reconfigured. It is irregular in shape to enable additional storage on its northern side. In addition, a new (formalised) single vehicle carport is proposed within the southern portion of the undercroft level. The site can accommodate three car parking spaces under cover.

Element	Control	Proposal/Compliance
Construction and demolition – excavation and landfill	– Excavated and landfill areas must be constructed to have no adverse impact on any structures, bushland or significant trees to be retained on the site.	<ul style="list-style-type: none"> ✓ There will no importation of fill to the site. Excavation is only required for the swimming pool and its surrounds. ✓ The adjacent properties are at similar elevations and have similar geomorphology. No geotechnical hazards adversely affect the site and the proposed excavation is unlikely to have an adverse impact relative to natural watercourses, natural drainage patterns and landform in general. ✓ The amount of excavation is acceptable as: <ul style="list-style-type: none"> - the site's existing topography is generally respected despite being terraced; - it is typically sited away from the site's boundaries; - the impact on existing vegetation is minimal; - the site's permeability is maintained; and - new planting is proposed. ✓ Council can impose standard conditions of development consent to ensure the integrity of adjoining properties and buildings including: <ul style="list-style-type: none"> - a soil and erosion sediment control plan; - structural certificates; - dilapidation report; and - construction management plan.
	– Excavation and landfill must be constructed to have no adverse impact on any adjoining public or private lands due to settlement or structural instability.	<ul style="list-style-type: none"> ✓ Refer to the above comment and Section 4.2 for further information.
Erosion and sediment management	– Erosion and sediment control plan required.	<ul style="list-style-type: none"> ✓ Council can impose appropriate conditions of consent in this regard.
Waste minimisation	– Waste management plan required.	<ul style="list-style-type: none"> ✓ Case Ornsby Design has prepared a Waste Management Plan (submitted separately) in accordance with Council's standard practices and guidelines.
Construction management	– A construction and traffic management plan may be required.	<ul style="list-style-type: none"> ✓ Council can impose appropriate conditions of consent to satisfy this requirement. The site benefits from two street frontages and driveways. Adverse impacts on the surrounding road network and neighbouring properties is not anticipated.

Part C1 – Design Criteria for Residential Development

Landscaping	– The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street.	<ul style="list-style-type: none"> ✓ The site's established landscape characteristics are not materially altered. The built form is screened by established perimeter planting/vegetation. A Landscape Plan by Case Ornsby Design is submitted separately.
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Element	Control	Proposal/Compliance
	– All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.	✓ The proposal does not involve tree removal. A total of 528.01m ² (49.8%) of the site will comprise landscaped area. The only variation to the existing provision of landscaping on the site is the proposed swimming pool and its surrounds. The fundamental characteristics of the site's landscaped area remain unaltered, that is useable grassed areas promoting infiltration and absorption.
Safety and security	– Development is to have regard to CPTED principles.	✓ Refer to Section 4.2 for further information.
View sharing	– All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>✓ Dwellings are adjusted to the natural topography and are typically oriented to take advantage of their panoramic easterly, north easterly and south easterly views and vistas. The site's only real built form neighbour is to its north at 5 Bynya Road, a three storey dwelling. This dwelling is generally screened from the site via existing perimeter mature vegetation. This dwelling is also oriented in an easterly direction with numerous elevated external areas to take advantage of the panoramic views without interruption. The proposal has no identifiable impact on these existing views.</p> <p>✓ Views from the Bynya Road carriageway (i.e. the public domain) will be improved due to the dwelling's decreased height and relatively flat roof design. These views are significant and include land and water interface;</p> <p>✓ Views from the Surf Road carriageway are not impacted in any way;</p> <p>✓ The bulk and scale and building envelope of the building has been reduced. It is generally consistent with that of its neighbouring and nearby properties and does not in any way preclude the appropriate redevelopment of these properties.</p>

Element	Control	Proposal/Compliance
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). 	<ul style="list-style-type: none"> ✓ The site's only neighbouring built form is at 5 Bynya Road. This property is not affected at all relative to overshadowing at any critical time of the day or year as it is to the site's north. Existing levels of sunlight have been retained to their primary living rooms and private open space areas. ✓ Additional shadows cast by the proposal predominantly fall internally within the site or the carriageways of Bynya Road and Surf Road. ✓ Small areas of land are affected and their relative useability is not compromised. ✓ The site's primary living rooms, front and backyards and numerous private open space areas receive more than adequate direct solar access. ✓ The design is consistent with the objectives of the control as it ensures the form and scale of the dwelling is not excessive. By this the proposal exhibits a similar height, bulk and scale to that of neighbouring and nearby properties. ✓ Any existing or proposed overshadowing impact will not preclude an appropriate redevelopment or the redevelopment potential of any nearby property that is zoned to do so.
Visual privacy	<ul style="list-style-type: none"> – Private open space, recreation areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7m 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. 	<ul style="list-style-type: none"> ✓ Refer to Section 4.2 for further information.
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. – 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. 	<ul style="list-style-type: none"> ✓ Substantial private open space in various locations at each level of the dwelling including being directly accessible from primary living rooms to suit relevant climatic conditions is provided. The quantum of private open space exceeds that required. ✓ Refer to the above comment.

Element	Control	Proposal/Compliance
Pollution control	– Residential premises must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	✓ Noted. Council can impose conditions of consent in this regard.
Waste and recycling facilities	– Waste and recycling receptacles are to be stored within the property boundaries	✓ Noted. A garbage store area is located adjacent to the Bynya Road driveway and is screened from view.
Storage facilities	– A lockable storage area of minimum 8m ³ per dwelling shall be provided. This may form part of a carport or garage	✓ Storage is provided throughout the dwelling and the garage.
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.	✓ Noted. The design of the swimming pool and its surrounds complies with the Swimming Pools Act. Council can impose appropriate conditions of consent in this regard.
Underground of utility services	– All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	✓ The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.
Plant, equipment boxes and lift overrun	– Where provided, plant and equipment boxes, air conditioning units and lift overruns 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 DA lodgement.	✓ Plant and equipment for the swimming pool will be concealed from view and appropriately acoustically attenuated.
	– 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.	✓ Refer to the above comment.

Part D Locality Specific Controls (Palm Beach)

Character as viewed from a public place	– Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	✓ The proposed altered built form is compatible with the existing and likely future land uses surrounding the site. The altered and added to dwelling house and its associated external built form (balconies, terraces, pool etc) has a high level of architectural and urban design and maintains a quality landscape design solution. High quality and durable external materials and finishes are proposed.
	– Walls without articulation shall not have a length greater than 8 metres to any street frontage.	✓ Refer to the above comment. The altered and added to dwelling is highly articulated.

Element	Control	Proposal/Compliance
	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> ✓ The proposal does not involve tree removal. A total of 528.01m² (49.8%) of the site will comprise landscaped area. The only variation to the existing provision of landscaping on the site is the proposed swimming pool and its surrounds. The fundamental characteristics of the site's landscaped area remain unaltered, that is useable grassed areas promoting infiltration and absorption. A Landscape Plan by Case Ornsby Design is submitted separately.
Scenic protection	<ul style="list-style-type: none"> Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve. 	<ul style="list-style-type: none"> ✓ The proposed altered built form is compatible with the existing and likely future land uses surrounding the site. The altered and added to dwelling house and its associated external built form (balconies, terraces, pool etc) has a high level of architectural and urban design and maintains a quality landscape design solution. High quality and durable external materials and finishes are proposed. The dwelling house sits comfortably within its established and likely future built form context.
Building colours and materials	<ul style="list-style-type: none"> External colours and materials shall be dark and earthy tones. 	<ul style="list-style-type: none"> ✓ The proposed external materials and finishes are high quality, durable (in recognition of the coastal location), neutral in colour and non-reflective so that they are sympathetic and complementary to the existing neighbourhood character of Palm Beach.
Front building line	<ul style="list-style-type: none"> 6.5m or established setback whichever is the greater. 	<ul style="list-style-type: none"> X Existing non-compliance - The proposal does not materially alter the dwelling's existing front building alignment (or envelope), which has an appropriate setback from its principal Bynya Road frontage. It has a consistent front boundary setback with its only built form neighbour to the north at 5 Bynya Road. Refer to Section 3.8 for further information. The existing and proposed built form location does not result in any adverse environmental or streetscape related impacts. The built form sits comfortably within its established and likely future locational context.

Element	Control	Proposal/Compliance
	<ul style="list-style-type: none"> – Built structures (including swimming pools), other than driveways, fences and retaining walls are not permitted within the front building setback. 	<p>X A retained and secure front terrace is proposed within the front building setback. It is at the first floor level (the ground level of Bynya Road). It is not roofed and does not in any way add to the bulk and scale of the dwelling. It provides an alternative external space directly accessible from primary living rooms. It is not readily visible from the surrounding public domain and is unlikely to have any identifiable impact on the only built form neighbour to the north.</p> <p>✓ The swimming pool and its surrounds although in the Surf Road frontage, is provided within the site's logical (and useable) backyard. The site has two street frontages; however, its principal frontage is to Bynya Road.</p>
Side and rear building line	– 1m for one side and 2.5m for the other side.	✓ The dwelling's alignment remains unaltered relative to each side boundary where the setbacks are greater than 1m. The reconfigured and extended garage has a minimum setback of 1m to the northern boundary. A large setback to the southern boundary is maintained.
	– 6.5m rear setback.	X Existing non-compliance - The proposal does not materially alter the dwelling's existing rear building alignment, which has an appropriate setback from its secondary Surf Road frontage. It has a consistent rear boundary setback with its only built form neighbour to the north at 5 Bynya Road. Refer to Section 3.8 for further information. The existing and proposed built form location does not result in any adverse environmental or streetscape related impacts. The built form sits comfortably within its established and likely future locational context.
	– 1m side boundary setback for a swimming pool	<p>✓ The swimming pool has a setback of 7m to the northern boundary (5 Bynya Road). The spa is setback 3m from the northern boundary (5 Bynya Road).</p> <p>✓ Perimeter landscaping is maintained between the site and 5 Bynya Road.</p>
Building envelope	– Building height plane projected at 45 degrees, 3.5m above ground level at each side boundary.	X Existing non-compliance improved - The proposed works to the dwelling house reduce its overall height from 11.243m to 10.303m. The site has substantial topographical variations with slopes ranging from 15° to 25°. Its predominant building envelope relative to the northern boundary (its only neighbour) is maintained. Environmental impacts are known to this boundary and are improved from those existing or appropriately ameliorated through design response (privacy screens and retention of perimeter boundary planting etc).

Element	Control	Proposal/Compliance
Landscaped area	– 60% landscaped area required.	<p>X Existing non-compliance – A total of 49.8% of the site comprises landscaped area. Notwithstanding the departure from the landscaped area guideline, the proposal is considered to provide an appropriate and useable landscaped area for the following reasons:</p> <ul style="list-style-type: none"> - the dwelling's envelope is not materially altered; - there is no perception of visual built form dominance over landscaping. An established landscape design is maintained and which positively add to the landscape and scenic quality of the surrounding locality; - large areas of the site are available for infiltration and absorption rather than runoff; - the site's permeable characteristics are not materially altered; - the quantum of landscaped area provided on the site appears to be consistent with the prevailing character of neighbouring and nearby development; - additional opportunities for recreation are provided in the form of the swimming pool, spa and surrounds, front first floor level terrace and enlarged east facing balconies at the ground and first floor levels; - existing deep soil landscaped areas generally remain unaffected by the proposal. The useability and utility of existing landscaped areas is maintained; - areas of excavation (swimming pool and spa only) have sufficient setback zones from existing vegetation to ensure its integrity and retention; - the site's natural landform is retained; - the proposal will undoubtedly improve the amenity for the occupants without adversely impacting on the established built form character, streetscape presentation and amenity of the adjacent properties; - any additional built upon area (pool over existing gravel driveway surrounds) will not compromise the existing flow of groundwater to and from the site. Rather the retained landscaping maintains the site's permeability. Appropriate drainage systems in accordance with Council's standard practices and guidelines exist and ensure

Element	Control	Proposal/Compliance
		<p>there is minimal obstruction to the underground flow of water; and</p> <ul style="list-style-type: none"> - the additional built upon area does not alter the visual appearance of the predominant built form on the site being the dwelling. The dwelling sits comfortably within its established and likely future built form context. <p>✓ The objective of the landscaped area (in conjunction with other prescriptive controls) guideline is essentially to ensure that the intensity of development respects and reflects the overall built form of a locality and does not detrimentally affect the amenity and visual quality of the area. The maximum built upon area that a site can achieve is determined by its environmental constraints.</p> <p>✓ In terms of the above, the proposal clearly provides for an equitable planning outcome. The proposal has been designed to minimise impacts and has had regard to site users and its neighbouring and nearby properties.</p>
Construction, retaining walls, terracing and undercroft areas	<p>– Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</p>	<p>✓ The site's perimeter consists of terraced landscaped areas and retaining walls. A new concrete terrace and rendered retaining walls is proposed at the first floor level (Bynya Road frontage level). It is directly accessible from the kitchen and breakfast room.</p>
	<p>– Undercroft areas shall be limited to a height of 3.5m. Adequate landscaping shall be provided to screen undercroft areas.</p>	<p>✓ The existing open 3m high undercroft area (with large vertical structural columns) is to be formalised and will comprise a guest bedroom, shower, bunk bed room, toilet, bar and pool house and southern entry point, carport and store. The swimming pool and surrounds will be directly accessible from this area. Perimeter landscaping is maintained to the side of the undercroft.</p>
	<p>– Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</p>	<p>✓ Noted.</p>
	<p>– In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</p>	<p>✓ Noted. Tiled and timber decking is proposed on the enlarged balconies, swimming pool and surrounds and the new front terrace. The site's perimeter consists of terraced landscaped areas and retaining walls.</p>

4.2 S. 79C(1)(b) Impact on the environment

4.2.1 Streetscape character and context

The surrounding locality is characterised by multi level elevated dwellings within the E4 Environmental Living zone set on typical allotments of land influenced by the locality's topographical characteristics and mature/thick vegetation. A variety of housing types and architectural styles are provided within a relatively consistent subdivision pattern that is influenced by the locality's topographical variations (falling from west to east or front to back). The integrity of individual dwellings varies considerably. There is little architectural, aesthetic, social or cultural built form significance. Dwellings are typically adjusted to the natural topography or are provided with large undercroft areas. They are oriented to take advantage of their easterly views and vistas.

The site does not have any built form to its east, west or south. The site's only real built form neighbour is to its north at 5 Bynya Road. This property contains a three storey weatherboard dwelling with a metal roof. It has a swimming pool within its backyard adjacent to the south eastern boundary. This dwelling is generally screened from the site via existing perimeter mature vegetation. This dwelling is also oriented in an easterly direction to taken advantage of the elevated panoramic views. As demonstrated by **Figure 11**, the existing and higher (as compared to that proposed) built form sits comfortably within its established and likely future built form context.

The altered built form has been designed having regard to the urban design parameters determined by the existing built context and the context of the neighbouring dwelling and those nearby, site constraints and compliance with the relevant and key Council density planning controls where practical. The proposed design is re-interpreting established roof shapes and slopes, whilst integrating contemporary materials and an architectural aesthetic. The proposed works allow the future built form to complement the varied hillside streetscape character along Bynya and Surf Roads.

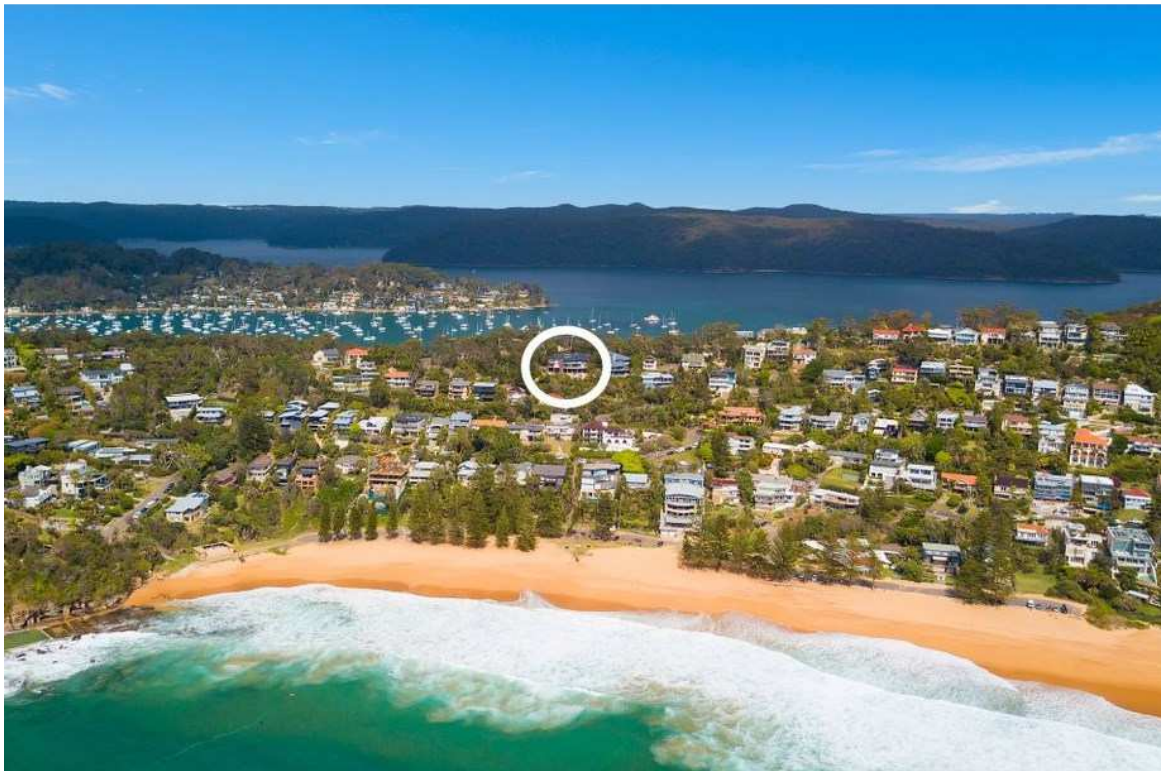


Figure 11 – Aerial photo of the site (the existing built form) and its surrounding hillside built form context

It is considered the proposed development with its high quality urban and architectural design will positively add to the visual character of the locality. In terms of architecture, urban design and streetscape, the proposal is likely to have a positive impact on the built environment in that:

- the scale of the proposal is characterised by the desired future character for the area. The height (reduced from that existing), bulk and scale of the built form is generally consistent with Council's key planning controls and does not influence or set a precedent for future buildings along the eastern side of Bynya Road. This is aptly demonstrated at **Figure 11**;
- a single storey built form is maintained to the site's Bynya Road frontage, whilst the three storey built form is formalised (use of the existing undercroft and overall height reduced from that existing) at the site's Surf Road frontage;
- the visual catchment contains several buildings that will present a similar bulk and scale and which set the character. Consequently, the non-compliance with the standard does not result in a scale of building that is out of character with the surrounding development (see **Figure 11**);
- the proposal conforms to and reflects the site's natural landforms. Excavation is not proposed, rather use of existing undercroft areas. The non-compliance with the height standard allows for a reasonable ground level (undercroft) addition to the dwelling while maintaining a single storey built form to Bynya Road and a reduced height to the site's Surf Road frontage;
- the site is proportioned to allow the efficient realisation and internalisation of the impacts of the altered built form without an adverse visual impact or perceived built form dominance; and
- the design is of a high quality and is complementary to the adjacent development and furthermore, the dwelling is considered to be an appropriate design response and which is consistent with other redeveloped dwellings within the surrounding locality that provide the same or similar accommodation;
- the proposal will positively add to the built form context and character of the immediate locality through the alteration of an existing inefficient dwelling house with one that has substantial architectural and urban design merit;
- high quality and durable external materials and finishes are proposed which positively contribute to the residential character and visual amenity of the locality and are appropriate given the site's relative coastal location; and
- the expression of the built form is adjusted to respond to:
 - the site's locational context;
 - the site's topography;
 - an improved connection to external areas;
 - the design and built form character of the neighbouring and nearby development;
 - solar access and the site's orientation; and
 - internal and external amenity for the occupants.

4.2.2 Geotechnical hazards

The site has a Geotechnical Hazard One rating. Excavation is proposed (predominantly relative to the swimming pool and its surrounds).

The main part of the site is underlain by interbedded sandstones, siltstones and shales of the Narrabeen Group. There are numerous rock exposures on the upper and middle part of the site with sandstones predominating.

The site is on the low side of Bynya Road. The surface slopes down from the road at angles between 15° and 25° from an outcrop of sandstone that runs across the site near the front boundary and a sandstone shelf is present under the existing dwelling. The existing multi level masonry and concrete dwelling steps down the site. It is supported on concrete columns and strip footings and concrete slabs.

Based on the above, Jack Hodgson Consultants has prepared a Geotechnical Risk Management Policy 1 Form and Risk Analysis Report (submitted separately) for the proposal. In relation to geotechnical hazards, the report notes, the following:

- the natural soil profile is classified Class M (moderately reactive clay or silt sites);
- the site is naturally well drained with surface and subsurface runoff draining toward Surf Road;
- no natural watercourses were observed;
- overland flow of stormwater from neighbouring properties was not evident;
- no geotechnical hazards likely to affect above the site (located on the ridge of a hill);
- the site is classed slip affected and a H1 hazard. A failure of the slope across the site is a potential hazard;
- no geotechnical hazards likely to affect below the site;
- the areas beside the site are also classed slip affected hazard areas. These blocks have similar elevation and geomorphology to the site. No geotechnical hazards likely to adversely affect beside the site;
- the surface slopes down from the road at angles between 15° and 25°. There are outcrops of bedrock present and the site is well vegetated;
- an acceptable risk assessment;
- as no geotechnical hazards are likely to adversely impact the site were observed below or beside the site, risk analysis is not required;
- the proposed development is suitable for the site; and
- no geotechnical hazards will be created by the completion of the proposal in accordance with the requirements of the report and good engineering and building practice.

Having regard to the above, the conclusion of the report states:

The site and the proposed development can achieve the Acceptable Risk management criteria outlined in Pittwater Geotechnical Risk Policy provided the recommendations given in Section 10 are undertaken.

4.2.3 Structural

IStruct Consulting Engineers has provided Preliminary Structural Advice (submitted separately) on the Architectural Drawings by Case Ornsby Design. These notes demonstrate that the existing built form (subject to modifications) can accommodate the proposed loads and maintains the dwelling's structural integrity.

4.2.4 Environmental amenity

Solar access and passive solar design

The design of the proposal seeks to take advantage of the site's solar access potential as follows:

- the site has an elevated easterly orientation;
- generous floor to ceiling heights internally;
- the provision of two skylights;
- the proposal provides significant natural light penetration throughout the dwelling through the introduction of an open plan;
- windows, openings and the internal open floor plan ensures appropriate levels of solar exposure to all areas of the dwelling, including those openings to the south which take advantage of the views;
- shading devices will serve to protect the dwelling and its occupants from heating effect of solar radiation;
- primary living areas are connected to the external facades and glazing. These areas will benefit from the ability to make use of trapped solar heat gain through its glazing during the winter months;
- higher latitude winter solar rays will reach large portions of the western facades for lengthy periods during the early afternoon permitting solar heat gain. Similarly higher latitude winter solar rays will also reach the eastern facade for lengthy periods during the morning permitting solar heat gain;
- the design minimises reliance on artificial lighting and mechanical ventilation as follows:
 - an open floor plan is provided;
 - the dwelling benefits from both cross and stack effect ventilation, which results in enhanced thermal comfort and reduced reliance on artificial/mechanical cooling in the summer months; and
 - provision of operable doors and windows enables the use of natural ventilation for summer month cooling and at the same time, the opportunity to close these openings will allow adequate control to moderate the impact of higher than normal winds.

ESD

In addition to the standard BASIX requirements (refer Section 4.1.1), the design intent is to create an open plan dwelling house that has excellent access to natural light and ventilation. The site organisation and the building form have been designed to respond to, not only with urban design rationale, but also to make the dwelling efficient in terms of its energy use. The following is noted:

- the site's relative permeability has been maintained;
- the provision of a 1,500 litre RWT for water storage and reuse;
- areas of soft landscaping allow for infiltration/absorption and re-use rather than runoff;

- the construction materials proposed provide high thermal mass to minimise heating and cooling loads;
- the use of water and energy efficient fixtures and finishes; and
- the engagement with the outdoors, the natural ventilation, the increase in natural light and the passive solar controls will reduce energy consumption.

4.2.5 Privacy

The site is located in an atypical low density residential environment within the E4 Environmental Living zone that is heavily influenced by its topographical variations and mature / thick vegetation and screen planting. The site does not have any built form to its east, west or south. The site's only real built form neighbour is to its north at 5 Bynya Road. This property contains a three storey weatherboard dwelling with a metal roof. It has a swimming pool within its backyard adjacent to the south eastern boundary. This dwelling is generally screened from the site via existing perimeter mature vegetation. This dwelling is also oriented in an easterly direction to taken advantage of the elevated panoramic views. Other properties are to the site's east, however, they are outside of critical separation distances and are on the opposite (low) side of Surf Road and are logically oriented to the east (away from the site).

The relationship between the site and 5 Bynya Road is the critical element in relation to the retention of aural and visual privacy. The specific design measures proposed to maintain or improve the existing aural and visual privacy relationship between the site and its adjacent properties includes:

- a reconfiguration of the existing ground floor and first floor level of the dwelling is proposed. Its footprint generally remains the same;
- the formalisation of the existing undercroft area to comprise habitable accommodation and which is directly accessible to the swimming pool, spa and surrounds;
- retention of existing FFL's;
- side boundary setbacks are retained;
- the retained consistent front and rear building alignment;
- the dwelling's reduced overall maximum height;
- compliance with side boundary setback requirements. The dwelling's setback at each floor level to the northern boundary remains unaltered;
- the northern elevation is only provided with one narrow window at the first floor level;
- the enlarged garage is not provided with any openings to the northern boundary;
- the provision of 1,400mm wide privacy screens at each floor level (including undercroft) to the northern extent of external areas (balconies);
- retained perimeter vegetation and retaining walls to front, rear and side boundaries;
- location, orientation and design of windows and openings to avoid the incidence of direct overlooking between the site and those adjoining and adjacent;
- internalisation of all required plant and equipment; and
- the land use as a single dwelling house is retained.

The locality's topography and resultant building proximity creates privacy impacts. The site is within an established residential precinct that contains a mixture of elevated multi level dwellings. Given the built form proposed there will be a degree of mutual overlooking, however, due to the above design measures, it is considered the proposal will not increase mutual overlooking to an unacceptable level. The site's proposed built form is consistent with that already considered acceptable on nearby properties by Council.

The nature of such an urban environment is that all future development seeks to maximise levels of residential amenity and density through design. The proposed built form is consistent with or less than the established and likely future built character of the surrounding locality. Privacy concerns have not impacted on the redevelopment of adjacent properties and it is not considered the proposal will materially increase privacy concerns to unacceptable levels.

4.2.6 Acoustics

The proposed development has been designed to ensure appropriate levels of noise/sound transmission in accordance with relevant BCA requirements and Australian Standards. This will maintain existing levels of amenity for neighbouring properties. Mechanical plant and equipment for the pool is contained within an appropriately acoustic attenuated structure with all other plant and equipment appropriately located and screened from view. Adverse acoustic impacts are therefore not anticipated.

4.2.7 Safety and security

There are four principles that need to be used in the assessment of DA's to minimise the opportunity for crime and promote safety and security:

- surveillance;
- access control;
- territorial reinforcement; and
- space management.

The proposal is consistent with crime prevention through environmental design (**CPTED**) principle of surveillance as follows:

- the entry to the dwelling provides architectural, landscape and spatial interest and a clear address. The clear definition of the private and public domain and the sequences of the front landscaped areas and the dwelling generally positively contribute to the occupant's levels of residential amenity;
- the design and placement of physical features, activities and people so as to maximise visibility and foster positive social interaction among legitimate users;
- appropriate lighting;
- secure access points;
- retained curtilage with adjacent properties;
- adequate sight distances;
- passing vehicular traffic can be used as a surveillance asset;
- the landscape design provides surveillance, especially in proximity to the site's designated entry points;
- the landscape design precludes opportunities for concealment;

- appropriate landscaping is provided.

The proposal is consistent with the CPTED principle of access as follows:

- public and private spaces are clearly differentiated;
- entrances and exits, fencing, lighting and landscape has been selectively placed to limit access and control flow. In this regard natural access control occurs;
- pedestrian routes and spaces within the site are clearly defined and have clear and direct sightlines for users and
- clearly identifiable, points of entry to the site are proposed.

The proposal is consistent with the CPTED principle of territorial reinforcement and space management as follows:

- public and private spaces are clearly differentiated;
- regular maintenance or upgrade of facilities as/when required; and
- natural surveillance by the users is casual and there is no specific plan for people to watch out for criminal activity. All members of the community are involved in what is happening around them.

4.2.8 Social and economic issues

The proposed development will have several positive social and economic impacts, including:

- an altered modern and contemporary dwelling house is proposed that exhibits a high quality architectural and urban design solution whilst maintaining the site's established landscape character. The overall built form positively responds to the site's locational characteristics without adversely impacting on neighbouring and nearby properties or the surrounding public domain;
- development of the site to facilitate a use which is generally consistent planning controls for the site and consistent with community expectations for the area;
- it maintains residential housing on a environmental living (residential) allotment within the Northern Beaches LGA;
- it retains views and vistas from neighbouring properties and improves views and vistas from the Bynya Road public domain;
- construction will provide temporary employment opportunities;
- the population on the site will continue to patronage facilities within the surrounding villages, a desired outcome;
- provision of residential allotments to satisfy ongoing demand for home sites in the Northern Beaches LGA and specifically Palm Beach / Whale Beach, an area undergoing significant built form regeneration;
- re-use of an existing environmental living (residential) allotment of land for domestic low impact residential purposes; and
- the promotion of the locality as a desirable place to live and work.

In addition to the above, the provision of housing close to public transport, employment opportunities and services, will provide good quality accommodation that is suitable for the intended occupants encouraging equal access to public amenities. The dwelling has been designed to cater for a family household. This

enriches residential diversity. A well-designed and socially responsive development will always attract a socially diverse mix of people and in turn improve and enhance for a much richer community life in the area.

4.2.9 Demolition and waste management

Civil construction works associated with the proposed built form will utilise normal (standard) site management practices to ensure that waste material is minimised and that excess material generated by the works is re-used on site, or disposed of suitably. All demolition works will be undertaken in accordance with the requirements of AS2601 – The Demolition of Structures.

A Waste Management Plan by Case Ornsby Design is submitted separately. It has been prepared in accordance with Council's standard guidelines and practices relating to demolition, construction and on-going waste management.

A waste storage area adjacent the Bynya Road driveway and screened from view is proposed. Collection of garbage from the site will continue in the same manner by Council's contractors on the designated day(s).

4.3 S4.15(1)(c) The suitability of the site for the proposed development

Having regard to the characteristics of the site and its location, the proposed development is considered appropriate in that:

- the site is zoned to accommodate the proposal;
- the size and dimensions of the land area appropriate for the accommodation of the proposal;
- it will not result in any material environmental impacts to the adjoining properties or surrounding public domain particularly in relation to overshadowing, views, aural and visual privacy and access to natural daylight and ventilation;
- the site has good access to amenities, facilities and services;
- the site is fully serviced and existing infrastructure can be extended if required;
- the proposed use, density and scale is generally consistent with that of the surrounding development and likely future built form; and
- it is consistent with Council's planning controls and where it departs it is still nonetheless consistent with the established and likely future built form and landscape context.

As detailed throughout this SEE, the proposed development will have several positive impacts whilst not resulting in any material environmental impacts and it is therefore considered that the site is suitable to accommodate the proposal in its current form.

4.4 S4.15(1)(d) Any submissions made in accordance with the Act or Regulations

It is expected that Council will notify the proposal in accordance with its notification policy and will consider submissions (if any) made during the period of public exhibition and will afford the applicant to respond to such submissions as/if required.

4.5 S4.15(1)(e) The public interest

The project provides a range of benefits that are in the public interest, including:

- redevelopment of an existing environmental living (residential) allotment of land for residential purposes without any adverse impacts to adjoining and adjacent properties and the surrounding public domain;
- economic and social benefits such as employment during and after construction;
- the promotion of the locality as a strong and healthy place for local business and investment;
- an altered and added to dwelling house that has architectural merit befitting the site's prestigious Palm Beach location; and
- improved amenity for the occupants.

The public interest is an overarching concept. Approval of the proposal will result in a modern and contemporary built form that has a high level of architectural design, established landscape setting and which will sit comfortably within its locational (built form, landscape and scenic) context. There are no reasons why the proposal is not in the public interest.

5.0 CONCLUSION

An assessment of the relevant planning issues reveals the proposal has appropriate planning merit and does not result in any material environmental impacts to the neighbouring properties and the surrounding public domain in terms of overshadowing, aural and visual privacy, views, visual impact and access to daylight and natural ventilation.

Through the demonstration of a quality architectural, landscape and urban design solution, the site's built form will unquestionably positively contribute to the locality's built form character. Resulting from the high quality architectural, urban and landscape design, the internal amenity afforded to the dwelling's occupants will be superior as compared to that existing. Furthermore, the technical studies of the site's capacity for redevelopment do not indicate any significant obstacles to development of the site for the purposes proposed.

Council can approve the development with confidence that its merits are sound. The Council as the determining authority unquestionably has the power to approve the proposal as it is empowered to approve a development that departs from a LEP 2014 development standard (height), where the departure is reasonable, reduced from existing, consistent with the context of the surrounding locality and fully justified in the presented circumstances of the case. Where it departs from DCP 21 guidelines, the departure from the guideline is generally existing, reasonable, is consistent with the context of the surrounding locality and fully justified in the presented circumstances of the case. Relative to the proposed departures it is considered there are sufficient planning grounds for their justification as an appropriate (equitable) planning outcome results.

Considering the above, the proposal is worthy of Council's consent.