



**1158 BARRENJOEY ROAD
PALM BEACH**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
A SWIMMING POOL AND STAIRCASE**



Report prepared for
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1. Introduction

- 1.1** This is a statement of environmental effects for a new swimming pool and external staircase at 1158 Barrenjoey Road, Palm Beach.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Pittwater Local Environmental Plan 2014, the Pittwater Development Control Plan and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit,
 - Site survey prepared by Adam Clerke Surveyors,
 - DA Plans prepared by Wray and Cutcliffe Architects,
 - Arborist Report prepared by Arbor Express,
 - BASIX Certificate prepared by Wray and Cutcliffe Architects
 - Geotechnical Report prepared by Ascent Geotechnical Consulting
- 1.4** The proposed development is consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2. The site and its locality

- 2.1** The subject site is located on the southern side of Barrenjoey Road, approximately 200 metres north of Palm Beach Wharf. The site is legally described as Lot 14 DP 6746 and Lot 1 DP 795517.
- 2.2** It is irregular in shape with a front boundary of 20.115 (north - Barrenjoey Road), a west side boundary of 37.23 metres, a rear boundary of 23.95 metres (south) and a staggered east side boundary of 18.4 metres/ 4.97 metres/ 24.19 metres. The site has an area of 901.5m².
- 2.3** The site is currently occupied by a 1 & 2 storey weatherboard dwelling house with a metal roof, a stone access path and an inclinor. The site slopes steeply to the north (towards the Barrenjoey Road frontage). It has no vehicular access or onsite carparking.
- 2.4** The property is surrounded by detached residential dwellings in all directions. It has broad water views to Palm Beach (looking east) and to Pittwater (looking west) and is located in close proximity to shops and services on Barrenjoey Road.

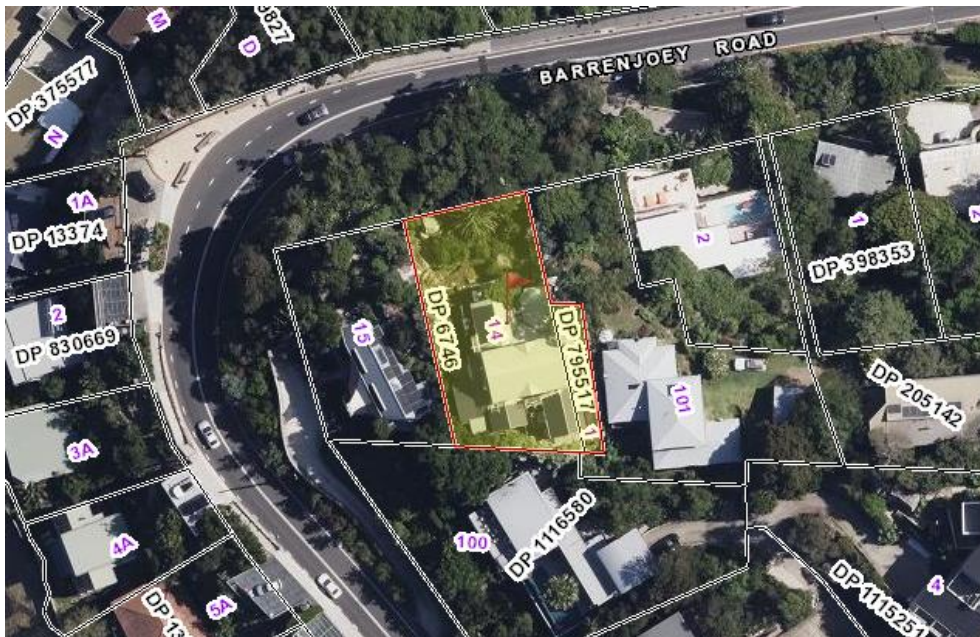


Figure 1. Aerial Image of the subject site

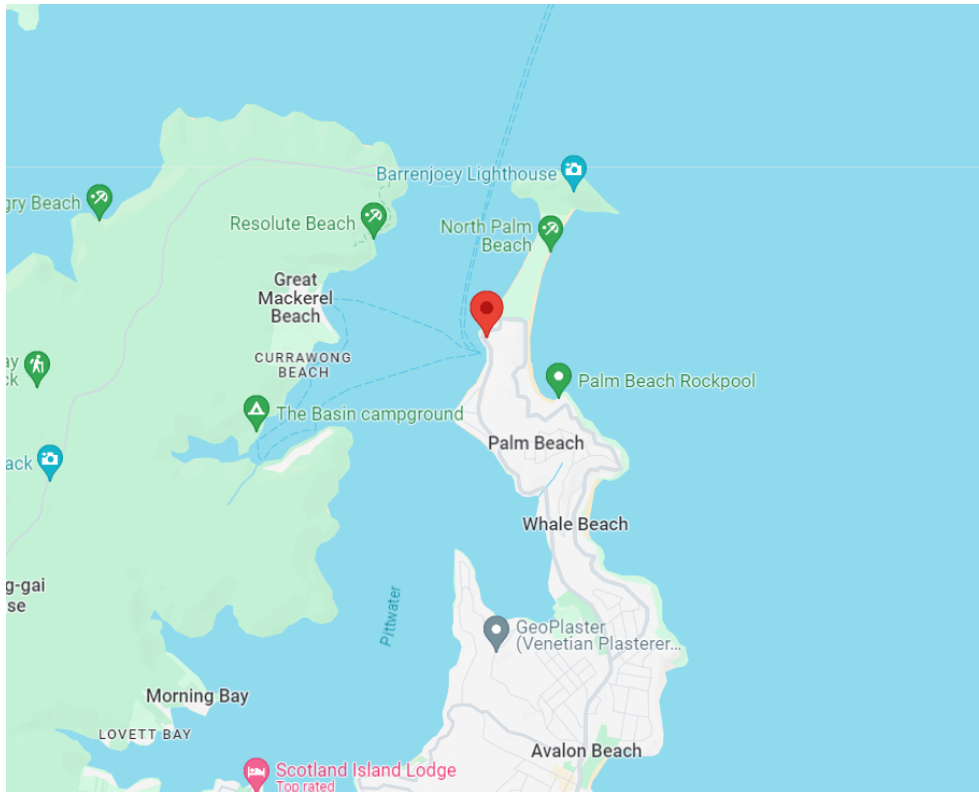


Figure 2. Aerial Image of the site within the locality

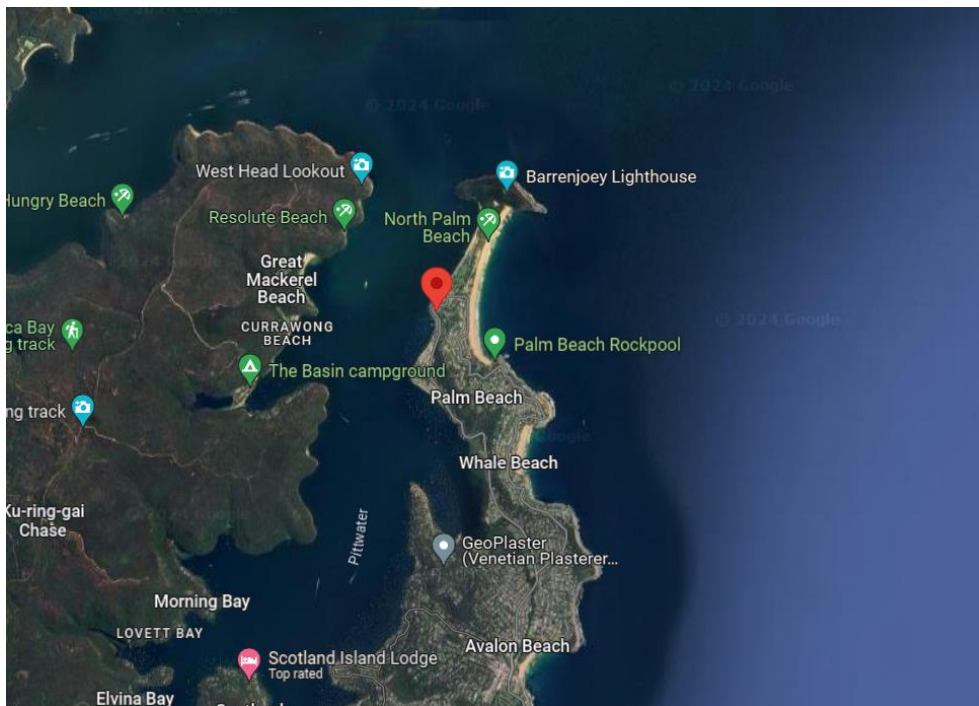


Figure 3. Image of the site within the locality

3. Site Photos



Figure 4: The subject site, looking south from Barrenjoey Road.



Figure 5: The access stairs to the subject site, looking south-west from Barrenjoey Road.



Figure 6: The adjoining driveway and access stairs looking west from Barrenjoey Road.



Figure 7: The access stairs, looking south.



Figure 8: The inclinator, looking south.



Figure 9: The front yard, looking north to Barrenjoey Road.



Figure 10: The front yard and location of proposed swimming pool, looking north-west to West Head.



Figure 11: View to Barrenjoey Headland and Lighthouse, looking north-east.

4. Proposed Development

- 4.1 The proposed development is for the construction of a new swimming pool, adjoining the existing timber deck on the north side of the dwelling and a new external staircase.
- 4.2 The swimming pool will sit level with the dwelling house and float above the existing rock outcrops, where the site falls away steeply to the north. The proposal is consistent with Council controls, considerate of the residential neighbourhood and is appropriate for the subject site.
- 4.3 The proposed swimming pool will require the following works:

Swimming Pool

- A new 2.44 metre wide, 6.06 metres long and 1.525 meters deep (11.6m³), shipping container swimming pool, with compliant pool fencing and equipment,
- New decking and stairs to the east side of the swimming pool, connecting to the existing deck,
- New landscaping to the west side of the swimming pool.

Site

- A new external staircase to connect with the existing access path from the front boundary of the site,
- Retaining walls and landscaping as indicated.

5. Statutory Framework

5.1 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as no tree removal is proposed. An arborist report is provided with this application, setting out tree protection measures.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The subject site is mapped as 'Coastal Use Area' and 'Coastal Environment Area', accordingly the consent authority must consider clause 2.10 and 2.11 of the SEPP.

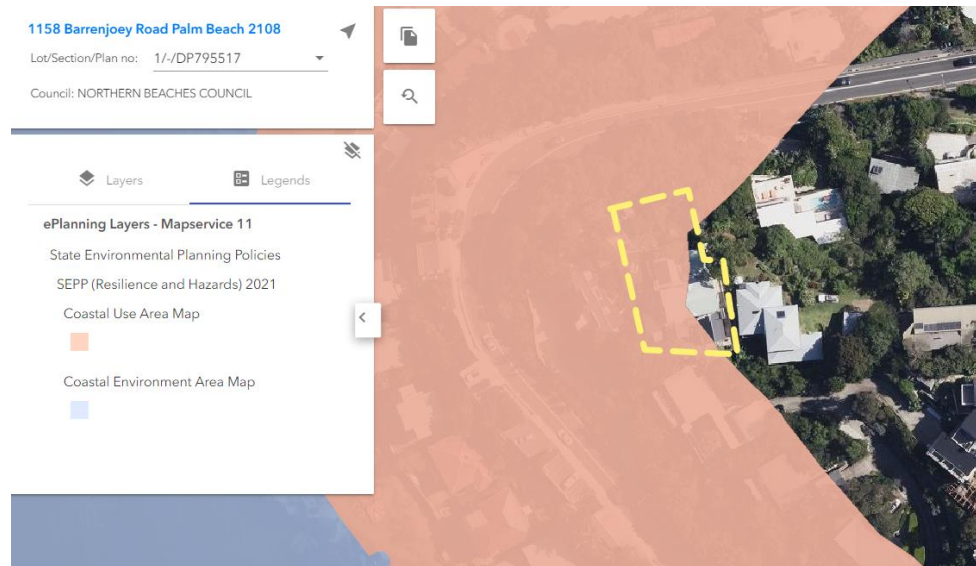


Figure 12: Extract – SEPP Resilience and Hazards 2021 (Coastal Use Area and Coastal Environment Area)

2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—*
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development will not result in any adverse impacts, as the proposed development is for a new swimming pool and external staircase, located within the boundary of the existing residential lot.

The swimming pool and staircase are designed to minimise impacts on the surrounding natural environment, with footings minimised to support the above ground pool structure and associated works are located on the disturbed portion of the site.

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

The swimming pool will not alter the existing access to and along the foreshore.

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

The minor works will have no impact on shadowing or wind funnelling. The works are located below the tree canopy line and will not impact on views obtained from the subject site or surrounding properties.

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

The consistent nature of the development with surrounding residential development, ensures that the scenic quality of the coast is maintained, with the minor scale, materials and colours consistent with the locality.

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

A basic AHIMS search was undertaken on 31/02/2024 (with 50 metre buffer). The search has shown that no Aboriginal sites are recorded and no Aboriginal places have been declared in or near the location.

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

The development is designed and sited to minimise impacts on the surrounding natural environment. It is considered there are no adverse impacts as referred to in (a).

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The appearance of the proposed swimming pool and external staircase is consistent with the surrounding coastal and built environment. The bulk and scale is appropriate and subservient to the dwelling on the site.

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

State Environmental Planning Policy (Sustainable Buildings) 2022

Schedule 1 of SEPP (Sustainable Buildings) 2022 sets out the standards for thermal performance and energy requirements for BASIX development in NSW. The proposal is BASIX development (as defined by the EPA Regulation 2021), and a compliant BASIX certificate is provided with this application.

5.2 Pittwater Local Environmental Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

Zoning

The site is zoned C4 Environmental Living and SP2 Classified Road, pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

The proposed swimming pool and staircase (ancillary to the dwelling house) are located within the portion of the site zoned C4 and dwelling houses are permitted with consent in the zone.



Figure 13: Extract from Pittwater LEP 2014 Zoning Map

Additional Permitted Uses for Particular Land

The small portion of the site zoned SP2 Infrastructure is mapped as 'Area 24' on the additional permitted uses map.

LEP 2014 permits *development for the purposes of enabling access to a dwelling house*, if the consent authority has considered:

- (a) *the effect of the proposed development on the costs of acquisition of the land,*
- (b) *the imminence of the acquisition,*
- (c) *the costs associated with the reinstatement of the land for the purposes for which it is to be acquired.*

The development remains consistent with the LEP, as no works are proposed in the mapped area.

Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed swimming pool and staircase.

Minimum Subdivision Lot Size

The site is mapped with a minimum subdivision lot size of 700m². The site comprises a compliant area of 901.5m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. No change is proposed to the existing maximum building height and the swimming pool proposes a compliant height of 5.08 metres.

Floor Space Ratio

The site is not identified on the floor space ratio map.

Development on Land Intended to be Acquired for Public Purposes

A small portion of the subject site is mapped as land reservation acquisition. The proposed development is compliant with this clause as it does not propose any works within the portion of the lot reserved for acquisition.

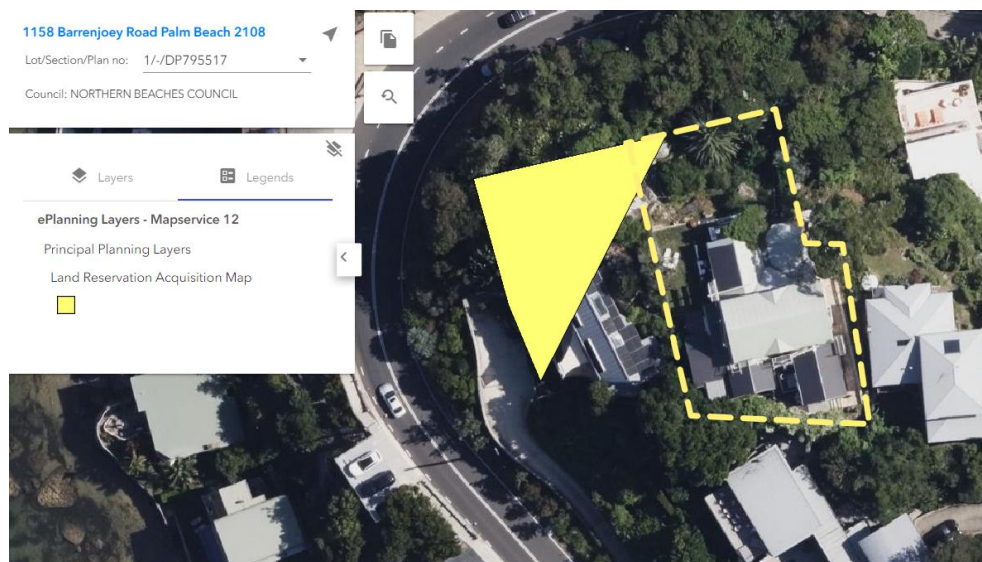


Figure 14: Extract: Land Reservation Acquisition Map

Heritage Conservation

The site is not a heritage item, is not located in a heritage conservation area and is not located in close proximity any heritage items.

Flood Planning

The site is not identified on the flood planning map.

Acid Sulfate soils

The site is in an area nominated as Acid Sulphate soils class 5. The proposed works are minor and are not likely to lower the water table below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Earthworks

Minimal earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed and all works will be undertaken in accordance with engineering details.

Biodiversity

The site is identified on the biodiversity maps. Accordingly, the following must be considered with regard to the site:

- (a) whether the development is likely to have:*
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

The proposed swimming pool and staircase will have a minor and appropriate impact on the existing environment and is located on the disturbed portion of the site. No tree removal is proposed and the majority of the existing landscaped area will be retained.

- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

No native vegetation is required to be removed and the majority of the existing landscaped area will be retained.

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function, and composition of the land, and

Biodiversity will remain unaffected by the proposed development as the works will occur in the area of the site that is already disturbed.

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

The minor works will have no impact on surrounding habitat.

(b) any appropriate measures proposed to avoid, minimise, or mitigate the impacts of the development.

The development is appropriate and is designed to minimise any impacts.

Council must also consider and be satisfied of the following:

(a) the development is designed, sited, and will be managed to avoid any significant adverse environmental impact, or

The proposed swimming pool is located adjacent to the existing timber decking on the frontage of the dwelling and the new staircase is located adjacent to the existing inclinator. The area is largely cleared of native vegetation, ensuring it is accessible, but will not be to the detriment of the environmental qualities of the location.

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited, and will be managed to minimise that impact, or

The work will not result in any detrimental impacts.

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The work will not result in any detrimental impacts.

Geotechnical Hazards

The site is located within the geotechnical hazard zone H1 mapped by Council's LEP. Accordingly, clause 7.7 of Council's LEP must be considered regarding the site:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development's design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) wastewater management, stormwater, and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise, or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless:

(a) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater, and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and

(b) the consent authority is satisfied that:

- (i) the development is designed, sited, and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
- (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that risk or impact, or*
- (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

The Geotechnical Report provided with this application, demonstrates compliance with this clause.

Essential Services

All essential services are existing on the site.

5.3 Pittwater Development Control Plan

The relevant sections of the DCP are addressed below.

Section A Shaping Development in Pittwater

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. It is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

A4 Localities

Palm Beach Locality

The site is located within the Palm Beach Locality.

The desired character statement for Palm Beach is:

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

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

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

The design, scale, and treatment of future development within the commercial centres will reflect a 'seaside-village' character through building design, signage and landscaping, and will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged. A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed

trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

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

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

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

The proposed development has been designed taking into consideration the desired character of the location. The appropriate and minor scale of the proposal is well designed to ensure retention of the character sought by Council, whilst being mindful of the landform and landscape.

Section B General Controls

B1 Heritage Controls

As described above the site is not a heritage item, is not located in a heritage conservation area and is not located in close proximity to any heritage items.

Aboriginal heritage Significance

A basic AHIMS search was undertaken on 31/02/2024 (with 50 metre buffer). The search has shown that no Aboriginal sites are recorded and no Aboriginal places have been declared in or near the location.

B2 Density Controls

No change is proposed to the existing density on the site which comprises of a single residential dwelling.

B3 Hazard Controls

Landslip Hazard

As described above the subject site is mapped as Geotechnical Hazard H1. The Geotechnical Report provided with this application, demonstrates compliance with this clause.

Contaminated and potentially contaminated lands

As described above, the subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

Flood prone land

The site is not located on flood prone land.

B4 Controls relating to the natural environment

The proposed development will have a minor and appropriate impact on the existing environment and is located on the disturbed portion of the site. No trees removal is proposed and the majority of the existing landscaped area will be retained.

B5 Water management

The site is connected to the reticulated stormwater system.

The architectural plans demonstrate that the proposed development will not increase the impervious area of the site by more than 50m² and therefore does not trigger the requirements for OSD.

Stormwater from the site will be managed in accordance with Councils controls, with water directed to existing drainage infrastructure on the site.

B6 Access and parking

The DCP requires 2 onsite carparking spaces for dwellings with 2 bedrooms or more. The site has no vehicular access or onsite carparking and no changes are proposed.

B8 Site works management

All site works will be undertaken as required by Council controls and compliant with any relevant conditions of consent. Appropriate devices will be used during the construction process to ensure no issues arise with regard to erosion and sedimentation.

Section C - Development Type Controls

C1 - Design Criteria for Residential Development

Landscaped Area – Environmentally Sensitive Land

A landscaped area of 60% is required by the DCP in the C4 zone (Area 1), which equates to 531.9m² for the site area of 886.5m² (excluding the 15m² area zoned SP2 Zone).

The site has an existing non-compliant landscaped area and the development proposes a minor reduction to accommodate the swimming pool and staircase. The landscaped area proposed is 430.44m² or 48.56% (comprising of 377.25m² soft landscaping and 53.19m² impervious landscaped treatment areas).

A merit assessment for the proposed landscaped area variation is provided below.

Safety and Security

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

View Sharing

The subject site and surrounding properties enjoy broad views to Palm Beach to the east, Pittwater to the west and Barrenjoey Headland to the north.

A site visit has been undertaken and it is concluded the proposed swimming pool does not result in any view loss of adjoining properties due to the minimal nature of the works and siting of neighbouring dwellings.

Solar Access

The DCP requires 3 hours of solar access is maintained for the windows to principal living areas, solar collectors and private open space of the site and adjoining properties, between 9am and 3pm on 21 June.

The proposed swimming pool and staircase will result in a minor increase in shadowing across the front yard of the subject sit, retaining compliant solar access.

It is concluded the subject site and adjoining properties retain compliant solar access at 9am, 12pm and 3pm on the 21 June.

Visual Privacy

Privacy will be retained for neighbours with no direct overlooking into any private open space or key living areas. The proposed swimming pool is visually screened from neighbouring dwellings by existing vegetation and the elevated location of the subject site.

Acoustic Privacy

The development will not result in noise levels inappropriate to a residential area, with pool equipment to be located in an approved sound-proof enclosure. The site is not located in close proximity to a noise generating activity.

Private Open Space

The DCP requires a minimum private open space area of 80m². The site retains a compliant area of private open space on the existing front deck.

Waste and Recycling Facilities

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible, with details provided in the accompanying Waste Management Plan.

The existing dwelling has appropriate waste storage areas which will be retained with the proposed works.

Swimming Pool Safety

The swimming pool proposes compliant safety barriers, fencing and warning notices.

Incline Passenger Lifts and Stairways

The DCP requires that new inclinator be located as close as possible to the existing ground level, minimise noise, blend with the natural environment, have a setback of 2 metres from the side boundary, be located on private land and incorporate privacy screening when located within 4.5 metres of a habitable window on an adjoining property.

The subject site contains an existing inclinator which will be retained.

Section D – Locality Specific Development Controls

D12 - Palm Beach Locality

The site is located in the Palm Beach Locality and will be appropriate within the desired character, built form and natural environment criteria as specified in the DCP. The proposed works will be appropriate within the landscaped, coastal setting.

Character

The proposed swimming pool and staircase are an appropriate design for the steep site and locality. The materials and colours complement the existing dwelling and the surrounding natural environment. The resulting development is a complementary design enhancing the access and recreation facilities on the site, while sitting comfortably in the coastal locality.

Scenic Protection

The proposed swimming pool is consistent with this clause, in that there will be no negative visual impacts from a waterway, road or public reserve, as a result of the development, which is not visible from the street level due to the steep slope of the site.

Building colours, materials and construction

The proposed materials include a shipping container pool, timber decking and metal balustrades, consistent with the residential site.

Front Building Line

The DCP requires a front setback of 10 metres (or the established building line, whichever is greater), on the subject site, which adjoins Barrenjoey Road.

The new swimming pool proposes a minimum front setback of 7.3 metres to the property boundary and no change is proposed to the existing front setback of the dwelling.

A variation to the front setback control is considered appropriate, in this case, as there is a large vegetated road reserve on the Barrenjoey Road frontage, resulting in an effective front setback of 22.5 metres to the road verge.

In addition, the proposal remains consistent with the outcomes of the control, despite the variation, as assessed below:

Achieve the desired future character of the locality

Comment

Consistent. The proposed swimming pool has been designed taking into consideration the desired character of the location. As described above the large road reserve in this location means the proposed swimming pool has an effective front setback of 22.5 metres. In addition, the elevated location and significant vegetation on the street frontage means it is not visible from the public domain.

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

As described above, the subject site and surrounding properties enjoy broad views to Palm Beach to the east, Pittwater to the west and Barrenjoey Headland to the north. A site visit has been undertaken and it is concluded the proposed swimming pool does not result in any view loss of adjoining properties due to the minimal nature of the works and siting of neighbouring dwellings.

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

Comment

Consistent. The subject site adjoins Barrenjoey Road and as described above, the location of the proposed swimming pool is not visible from the street. There will be no impact on Barrenjoey Road.

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

Comment

Consistent. No significant tree removal is proposed as a part of this application and the location of the pool remains screened by existing vegetation.

Vehicle manoeuvring in a forward direction is facilitated.

Comment

The subject site has no vehicular access or onsite carparking and no change is proposed.

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

Comment

Consistent. The new swimming pool will sit level with the dwelling house and float above the existing rock outcrops, where the site falls away steeply to the north, to a maximum height of 5.08 metres. The development remains recessive to the surrounding natural environment, sitting below the tree canopy level.

To encourage attractive street frontages and improve pedestrian amenity.

Comment

Consistent. As described above, the swimming pool is located over 22.5 metres from the Barrenjoey road reserve, allowing for the maintenance of the existing streetscape. No changes are proposed to the existing pedestrian access to the property.

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

Comment

Consistent. The development remains consistent with the spatial characteristics of the existing dwelling and other dwellings in the locality, retaining the scale of the existing dwelling.

Side and Rear setbacks

Side setbacks of 2.5 metres on 1 side and 1 metre for the other side and a rear setback of 6.5 metres are required by the DCP. The swimming pool proposes compliant side setbacks of 14.7 metres (east) and 2.9 metres (west) and a compliant rear setback of 24.6 metres.

Building envelope

The DCP requires a building envelope of 45° measured at a height of 3.5 metres applies to the site and no change is proposed to the existing building envelope.

Landscaped Area

A landscaped area of 60% is required by the DCP in the C4 zone (Area 1), which equates to 531.9m² for the site area of 886.5m² (excluding the 15m² area zoned SP2 Zone).

The site has an existing non-compliant landscaped area and the development proposes a minor reduction to accommodate the swimming pool and staircase. The landscaped area proposed is 430.44m² or 48.56% (comprising of 377.25m² soft landscaping and 53.19m² impervious landscaped treatment areas).

A variation to the landscaped area control is appropriate, as the development remains consistent with the objectives of the control, despite the variation, as assessed below:

Achieve the desired future character of the Locality.

Comment

Consistent. The proposed development has been designed taking into consideration the desired character of the location. The development will largely retain the existing landscaped area on the site.

The bulk and scale of the built form is minimised.

Comment

Consistent. The development remains consistent with the bulk and scale of the existing dwelling, retaining the existing scale of the dwelling.

A reasonable level of amenity and solar access is provided and maintained.

Comment

Consistent. Privacy will be retained for neighbours with no direct overlooking into any private open space or key living areas. The proposed swimming pool is visually screened from neighbouring dwellings by existing vegetation and the elevated location of the subject site. Compliant solar access is achieved for the subject site and adjoining properties, as assessed above.

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

Comment

Consistent. No vegetation removal is proposed.

Conservation of natural vegetation and biodiversity.

Comment

Consistent. No native vegetation will be impacted by the proposal.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Comment

Consistent. Stormwater from the site will be managed in accordance with Councils controls, with water directed to existing drainage infrastructure on the site.

To preserve and enhance the rural and bushland character of the area.

Comment

Consistent. The proposal retains the character of the area, with no significant vegetation removal proposed.

Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

Comment

Consistent. The development retains a substantial soft landscaped area on the site, assisting in the infiltration of water and stormwater management.

Fences – General

No changes are proposed to the existing fencing on the site.

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Pittwater LEP 2014 and the Pittwater 21 DCP 2014.

	Standard	Proposed	Compliance
Pittwater LEP 2014			
Zoning	C4 Environmental Living	Swimming pool (ancillary to a dwelling house)	Dwelling houses are permitted with consent
	SP2 Classified Road	No works in SP2 Zone	
Lot Size	700m ²	901.5m ²	Yes
Building Height	8.5 metres	Swimming pool height 5.08m	Yes
Floor Space Ratio	Not identified	-	-
Acid Sulfate Soils	Class 5	Complies	Yes
Pittwater DCP 2014			
Parking	2 spaces	No vehicular access or parking	No change
Solar Access	3 hours sunlight to living area windows, solar collectors and POS of both subject site and adjoining properties between 9am and 3pm on June 21.	Minor increase to front yard of subject site.	Yes
Private Open Space	80m ²	>80m ²	Yes
Front setback	10m (Barrenjoey Road)	Swimming pool 7.3m	Merit assessment
Side Boundary Setbacks	2.5 metres on one side and 1 metre on the other	14.7m (east) 2.9m (west)	Yes Yes
Rear Boundary Setbacks	6.5m	24.6m	Yes
Building Envelope	3.5 metres / 45 degrees		No change
Landscaped Open Space and Bushland Setting	60% of C4 zoned land = 531.9m ² for the site area of 886.5m ² (excluding the 15m ² area zoned SP2 Zone).	430.44m ² or 48.56%	Merit assessment

7. Section 4.15 Considerations

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

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater LEP and DCP.

The development is permissible in the zone.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Context and Setting

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

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

These matters have been discussed in detail in the body of the statement.

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

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

The proposed works have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

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

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

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no significant impact, with the works proposed on the already disturbed portion of the lot.

Waste

There will be no impact as the site has an existing waste collection service.

Natural hazards

Natural hazards can be appropriately mitigated to ensure the development can proceed as proposed.

Economic impact in the locality

The development will result in a positive economic impact, with additional employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

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

The proposed development is highly appropriate to the site with regard to all of the above factors. It fits well within the context of the surrounds and is an appropriate scale.

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

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

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*

- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed development.

7.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for the appropriate development of an existing residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8. Conclusion

- 8.1** The proposed development for a new swimming pool and external staircase at 1158 Barrenjoey Road, Palm Beach is appropriate considering all State and Council controls.
- 8.2** When assessed under the relevant heads of consideration of S4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3** Considering all the issues, the proposed development is considered worthy of Council's consent.

Planner Declaration

Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
28/06/2024	Naomi Lyons Senior Planner	Sarah McNeilly Director

Disclaimer

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