



THE PLANNINGHUB

*by Hawes & Swan*

# STATEMENT OF ENVIRONMENTAL EFFECTS

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Proposed New Dwelling and  
Associated Works - 6 Mitchell Road,  
Palm Beach

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Prepared For:	Roger Bain
Project Name:	6 Mitchell Road, Palm Beach
Job Reference:	21-048
Date Approved:	19 January 2021

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## 1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to the Northern Beaches Council on behalf of Roger Bain. This DA proposes the demolition of existing structures and construction of a new four-storey dwelling and associated works at 6 Mitchell Road, Palm Beach.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the current objectives of the LEP and DCP where applicable;
- Will not result in negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application attached as **Appendices A-M**.

### 1.1 Project Context

The subject site is located on the northern side of Mitchell Road and southern side of Florida Road and comprises a battle-axe lot accessed via a shared driveway from Mitchell Road to the south of the site. The site is located within the previous Pittwater Council area which now forms part of the Northern Beaches Local Government Area.

The site directly adjoins and partially forms a part of the locally listed heritage item “The Bible Garden” at 6a Mitchell Road, Palm Beach as identified within the Pittwater Local Environmental Plan (LEP) 2014. A small portion of the subject site forms part of the heritage listing however it is predominantly located on 6a Mitchell Road to the south of the site.

The Bible Garden at Palm Beach was founded by Gerald H. Robinson in 1962. From the 1970s, Mr Robinson established the garden by using plants in the Bible’s Old and New Testaments. Mr Robinson created much terracing the steep site and also creating garden beds himself. By trust deed dated 5 April 1972 GH Robinson settled the Bible Garden in a charitable trust for the construction, use and maintenance of the Bible Garden for all Christians.

A dwelling was constructed on the northern portion of the site beneath the shared driveway in 1972. In 1972 the founder's daughter and a trustee of the Bible Garden Memorial Trust, Deaconess Beatrice Violet Robinson, became the curator of the Bible Garden, living in the dwelling under the driveway and maintaining the Bible Garden for public enjoyment. This house was occupied by Deaconess Beatrice Violet Robinson until her death in 1994.

Following the death of Deaconess Beatrice Violet Robinson, the trustees of the Bible Garden sought to subdivide the site to form two allotments, with the sale of the residential portion of the land to fund other trust projects and the ongoing conservation of the Bible Garden.

The proposed subdivision submitted to the then Pittwater Council (now Northern Beaches Council) included the provision for a new garage for the residence at 6 Mitchell Road and the provision for a viewing deck, accessible from the Bible Garden on the roof of the new garage.

On 9 February 2004, a contract was entered into between Pittwater Council and the trustees of the Bible Garden Memorial Trust in their capacity as owners of 6 Mitchell Road, Palm Beach (the Heads of Agreement Contract). The Heads of Agreement Contract enabled investigation of subdivision of the Original Lot to enable residential development on the Property and to allow the Bible Garden to continue in perpetuity. The Heads of Agreement Contract acknowledged that the boundary between the Property and the Bible Garden was chosen to provide space for the “eventual two car garage” on the Property, and that any approved subdivision would have to enable the construction of the two-car garage as shown on the concept plans.

The subdivision of the site utilised the existing cliff face and steep topography of the site to form the two lots which ensured the subdivision did not impact the existing bible garden use of the site.

The proposed development comprises the demolition of the existing dwelling and associated structures and construction of a four-storey dwelling and associated works. The proposed dwelling will be largely located beneath the existing shared driveway where the existing dwelling is located and has been designed to respond to the natural characteristics of the site to ensure no visual or amenity impacts on the bible garden or surrounding residential land uses.

The applicant has had ongoing consultation with the Committee of the Friends of the Palm Beach Bible Garden to ensure the proposal would not result in adverse impacts on the bible garden. A letter detailing that no objection is raised in relation to the proposal was provided by the Committee of the Friends of the Palm Beach Bible Garden on 17 August 2020 and is provided in **Appendix K**.

## **1.2 Pre-Application Consultation**

A Pre-Lodgement meeting was held with Northern Beaches Council to discuss the proposal on 18 June 2019. The matters raised in the formal response from Council have been taken into consideration in the formulation of the Development Application. The requirements have been addressed as follows:

Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
Permissibility	Council’s concerns include that the construction of a dwelling house is permissible within the E4 Environmental Living zone, but is prohibited within the RE1 zone. The proposed development includes structures associated with the dwelling house (garage, lift, foyer etc.) within the portion of the site zoned RE1.	<p>The Applicant has received legal advice from Shaw Reynolds Lawyers (<b>Appendix E</b>) that the development can be carried out in the relevant zone.</p> <p>It is permissible with consent to construct a “recreation area” in the RE1 Public Recreation zone. It is also permissible to construct a “road” without consent in the zone. This means that no development application or development consent is required for a road to be constructed and used in the part of the site zoned RE1 Public Recreation.</p> <p>Roads include <i>“any other work or structure forming part of the road”</i>. This means that if other works or structures form part of the road, they can also be constructed and used without development consent.</p> <p>In this instance, a viewing platform will be situated above a private road providing access to a residential dwelling. Any other structures required to facilitate the use of the road would be considered ancillary to the permissible use of the private road. This includes any supporting structure for the viewing platform (i.e. the garage), or an elevator to the residential dwelling to allow for the private road to be used as intended.</p> <p>Alternatively, in light of the proposed development application for the Property, it may be Council’s preference to incorporate the works on</p>

Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
		<p>the RE1 zoned land for the purposes of permissibility.</p> <p>In <i>Foodbarn Pty Ltd v Solicitor-General</i> (1975) 32 LGRA 157 the Court found that where part of premises are used for a prohibited purpose, which is serving a dominant purpose, it is legitimate to disregard the prohibited purpose and to treat the dominant purpose as that for which the whole premises are being used.</p> <p>In this regard the garage is subservient to the use of the viewing platform which is a permissible use i.e., “recreational area” under the Pittwater LEP. Accordingly, the garage is permissible as an ancillary use given that the viewing platform is supported by the garage.</p> <p>Either approach described above and at Appendix E will ensure that the obligations under the Heads of Agreement Contract are satisfied and that both the viewing platform and garage are delivered in accordance with the Plan of Management.</p>
<b>Height of Buildings</b>	<p>Council has raised concerns that the proposal has a maximum building height of up to 13.8m, which is a variation to the 8.5m Height of Building Development Standard of Clause 4.3 of the PLEP 2014.</p> <p>It was noted by Council that clause 4.3(2D) provides that development on land that has a maximum building height of 8.5m shown for that land on the Height of Buildings Map may exceed a</p>	<p>The design of the proposed development has been amended to ensure the proposal complies with the maximum height requirement under Clause 4.3 of the Pittwater LEP 2014.</p> <p>The majority of the proposed development complies with the maximum 8.5m height limit. A minor portion is not more than 10m and is in accordance with Clause 4.3(2D), as</p>



Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
	<p>height of 8.5m, but not be more than 10m if:</p> <p>a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and</p> <p>b) the objectives of this clause are achieved, and</p> <p>c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and</p> <p>d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.</p> <p>It is Council’s view that the proposal is consistent with the objectives of Clause 4.3, and could be supported on merit, subject to a view loss analysis establishing that the proposal does not result in unreasonable view loss.</p>	<p>detailed in the Architectural Plans provided in <b>Appendix C</b>.</p> <p>The portion of the building that is between 8.5m – 10m in height is minor and comprises a small portion of the glass roof over the first floor deck area and a minor portion of the overall building.</p> <p>The proposed development achieves the objectives of Clause 4.3 of the Pittwater LEP 2014 in that the height and scale of the building is consistent with the desired character of the locality, is consistent with the existing site context, does not result in any adverse shadow or amenity impacts on surrounding development, allows for appropriate view sharing, responds to the natural topography of the site and surrounding area and does not impact surrounding heritage items.</p> <p>The proposed building is situated on a site with a slope of 34 degrees.</p> <p>The proposed development has been designed to best respond to the natural characteristics of the site by stepping the built form down the site.</p> <p>The height of the building is considered to be reasonable based on the above and a View loss Analysis has been provided in Section 4.3 of this report and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</p>

<b>Table 1: Response to Pre-DA Requirements</b>		
<b>Development Component</b>	<b>Comments from Council</b>	<b>Response</b>
<b>View Sharing</b>	<p>Council contends that the proposal includes a variation to the development standard of Clause 4.3 Height of Building in the PLEP 2014. Additionally, the site is adjacent to the Palm Beach Bible Garden, from which valuable views are gained.</p> <p>Council requests that any subsequent development application is to be supported by a detailed view analysis from nearby properties and the Bible Garden, which adequately demonstrates that the proposal does not result in any unreasonable view loss impacts.</p>	<p>The design of the proposed development has been amended to ensure the proposal complies with the height requirements under Clause 4.3 of the Pittwater LEP 2014.</p> <p>A detailed View loss Analysis has been provided in Section 4.3 of this report, in the Architectural Plans (<b>Appendix C</b>) and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</p>
<b>Visual Privacy</b>	<p>Council notes that the proposal includes large rear deck and recreation areas which are raised above the ground level. Council has raised concerns that these areas may pose an imposition to the visual privacy of nearby properties, particularly immediately to the north.</p>	<p>The design of the proposed development has been amended to ensure the visual privacy of surrounding development is appropriately maintained. This has been achieved through the reduction in levels of the proposed outdoor recreation areas and the enclosing of the first floor deck area.</p>
<b>Side and rear building line</b>	<p>Council notes that although there is a non-compliance with the numerical requirements, the proposed development is considered to achieve the outcomes of Clause D12.6 of the P21 DCP, subject to a view loss analysis and visual privacy analysis adequately demonstrating that the proposal does not result in any unreasonable impacts and the adoption of the recommendations made above regarding the rear setback to the deck and recreation area.</p>	<p>A detailed View loss Analysis has been provided in Section 4.3 of this report, in the Architectural Plans (<b>Appendix C</b>) and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</p>

Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
Building envelope	Council anticipates that the proposal will not comply with Clause D12.8 of the P21 DCP. Council requests that any variation to the building envelope is to be supported by a statement detailing the proposal's consistency with the outcomes of Clause D12.8 of the P21 DCP, and is not to result in any unreasonable impacts.	<p>As detailed in the Architectural Plans which are provided in support of the proposal, the proposed dwelling will result in a minor variation to the Building Envelope Requirement of Clause D12.8 of the Pittwater Development Control Plan (DCP) 2014.</p> <p>Despite the minor variation to the building envelope requirement the proposed development achieves the outcomes of the development standard as follows:</p> <ul style="list-style-type: none"> <li>• The proposed development achieves the desired future character of the Palm Beach locality by providing an appropriate low density residential development integrated with the landform and landscape that has been designed to ensure it does not result in any impacts on the ecological, aesthetic or heritage values of the site or the wider locality;</li> <li>• The bulk and scale of the proposed built form is minimised through the stepping of the built form down the site, which is in compliance with the maximum building height controls prescribed by the Pittwater LEP and is in compliance with the relevant restrictions of the site;</li> <li>• The proposal maintains existing views to and from existing dwellings and public open space areas. A detailed View loss Analysis has been provided in Section 4.3 of</li> </ul>

Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
		<p>this report, in the Architectural Plans (<b>Appendix C</b>) and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</p> <ul style="list-style-type: none"> <li>• The proposed development has been sited and designed to ensure there are no visual or amenity impacts on surrounding developments; and</li> <li>• The proposal retains significant vegetation and incorporates further landscaping to ensure it integrates into the surrounding landscape.</li> </ul>
<b>88B Instrument – Terms of Easements and Restrictions</b>	<p>Council notes that the land is subject to a number of easements and restrictions on the land.</p> <p>Council contends that the proposed development does not comply with at two of these restrictions, as follows:</p> <ul style="list-style-type: none"> <li>• Terms of Restriction numbered 3 in the plan: “Any open space area associated with a future dwelling on lot 1 shall not have a finished height exceeding 60.5 metres AHD in the area delineated on the plan by “L, M, N, P”. The proposed development includes a ‘Recreation Terrace’ and pool in the area delineated L, M, N P, identified at a height of 61.3 metres AHD on the section and 61.0 metres AHD (a discrepancy on plans) on the floor plan. No structures are to exceed 60.5 metres AHD in this location.</li> <li>• Terms of Restriction as to numbered 9 in the plan: “The proprietor of Lot 1 must not build any structure on the</li> </ul>	<p>It is noted that the site is subject to restrictions on title. Within this context, Clause 1.9A (1) of the LEP states the following with regard to the suspension of covenants, agreement and instruments:</p> <p><i>For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</i></p> <p>Therefore, in accordance with the provisions of Clause 1.9A, the covenant is not applicable with regard to the environmental assessment of the proposal.</p>

Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
	<p>area designated on the plan by “Z1, R, S, T U, V, W, X, Z2, Z3, Z” except a structure... with loadbearing roof capable of supporting pedestrians...”</p> <p>Council notes that the proposed development includes a roof pond in this location, which is not consistent with the intention of this restriction. The whole of the built upon area within the area designated on the plan by “Z1, R, S, T U, V, W, X, Z2, Z3, Z” is to be load-bearing with the intention of pedestrians accessing the area.</p>	<p>Notwithstanding this and to address Council’s concerns we note the following:</p> <ul style="list-style-type: none"> <li>• The proposed development has been designed to ensure it does not result in any impacts on the ecological, aesthetic or heritage values of the site or the wider locality. The proposed deck on the first floor has a level of 64.3 however this structure has been sited and designed to ensure there are no visual or amenity impacts on the Bible Garden or surrounding developments.</li> <li>• The viewing platform and garage are to be constructed as a structure with a loadbearing roof. However, we note that the proposed development does not include access by pedestrians to this area. A letter detailing that no objection is raised in relation to the proposal was provided by the Committee of the Friends of the Palm Beach Bible Garden on 17 August 2020 and is provided in <b>Appendix K</b>.</li> <li>• It is noted that the pond is not proposed on the roof and is located on the ground level.</li> </ul>
<b>Bible Garden</b>	<p>Council notes that the subject site is located adjacent to Council owned community land which is commonly known as the Bible Garden and requests that any development application must consider the Plan of Management for the Bible Garden.</p>	<p>The proposed development has been designed with consideration of the Bible Garden Plan of Management and achieves the desired outcomes for residential development at 6 Mitchell Road, Palm Beach whilst maintaining the views and amenity of the Bible Garden. The applicant has had ongoing</p>

Table 1: Response to Pre-DA Requirements		
Development Component	Comments from Council	Response
		consultation with the Committee of the Friends of the Palm Beach Bible Garden to ensure the proposal would not result in adverse impacts on the Bible Garden. A letter detailing that no objection is raised in relation to the proposal was provided by the Committee of the Friends of the Palm Beach Bible Garden on 17 August 2020 and is provided in <b>Appendix K</b> .

### 1.3 Planning Framework and Referrals

The site is located in the Northern Beaches Local Government Area (LGA), the former Pittwater Council and as such, the determining authority will be the Northern Beaches Council. In preparation of the development, consideration has been given to the following planning instruments:

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No.19 – Bushland in Urban Areas;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Pittwater Local Environmental Plan 2014; and
- Pittwater Development Control Plan 2014

## 2.0 Site Analysis

### 2.1 Location and Context

The subject site is located on the northern side of Mitchell Road to the south of Florida Road. The site sits within an established low density residential area characterized by low density residential dwellings designed to respond to the topography and existing vegetation in the area.

The site directly adjoins and partially forms a part of the locally listed heritage item “The Bible Garden” at 6a Mitchell Road, Palm Beach as identified within the Pittwater Local Environmental Plan (LEP) 2014.

The site’s locational context is shown at **Figure 1**.

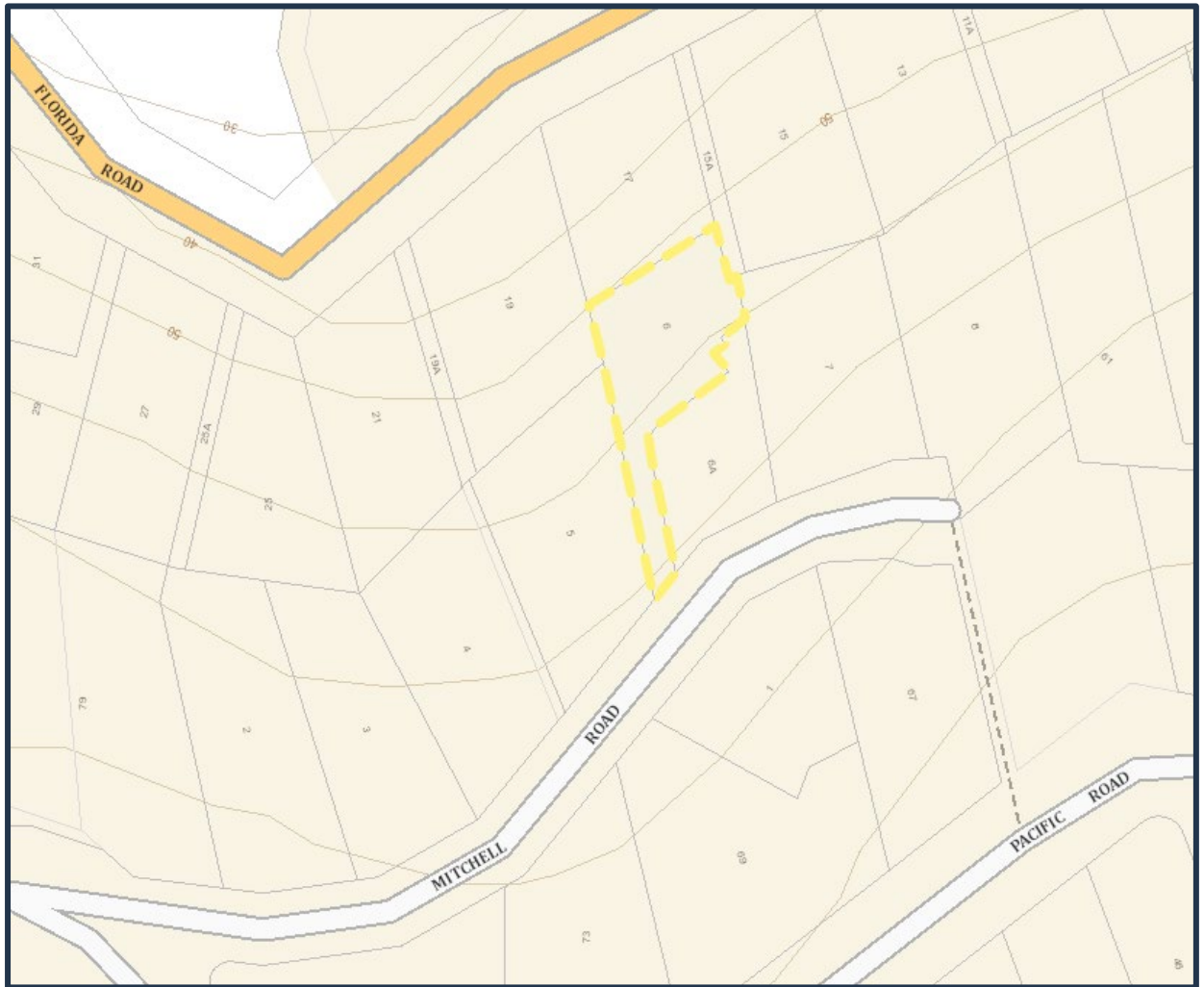


Figure 1: Locality Plan demonstrating the site outlined in yellow (Source – NSW Planning Portal)

## 2.2 Site Description

The site is commonly known as 6 Mitchell Road, Palm Beach and legally described as Lot 1, DP 1086858. The site comprises a battle-axe lot with an area of approximately 695.1m<sup>2</sup>. The site is accessed via a shared driveway from Mitchell Road to the south of the site.

The site significantly slopes to the north with a slope of approximately 34 degrees and has views to Palm Beach to the north east of the site. The site currently contains an existing dwelling located beneath the shared driveway.

An aerial photo of the site is shown at **Figure 2**.



**Figure 2:** Site Aerial with the subject site outlined in yellow (Source: NSW Planning Portal)

### 2.3 Existing Site Conditions

Specific details on analysis are provided as follows:

- |                            |  |
|----------------------------|--|
| <b>Landform</b>            | The site slopes to the north with a slope of approximately 34 degrees.   |
| <b>Existing Structures</b> | The site currently contains an existing two storey dwelling and associated structures which is to be demolished as a part of the proposal. |
| <b>Access</b>              | The site is accessed via a shared driveway from Mitchell Road to the south of the site.  |
| <b>Vegetation</b>          | The site has vegetation associated with the existing use of the site.  |



### 3.0 Proposed Development

#### 3.1 Overview

This application proposes the demolition of existing structures and construction of a four storey dwelling and associated works at 6 Mitchell Road, Palm Beach. Specifically, the development will consist of:

- The demolition of the existing dwelling and associated structures;
- The removal of two existing trees;
- The construction of a new four storey dwelling to comprise of:
  - Four (4) bedrooms, study, living room, dining room, kitchen, laundry, family room and outdoor decks;
  - A two car garage access from the existing shared driveway; and
  - A plunge pool access on the ground floor of the dwelling.
- The construction of a new balustrade for the bible garden to match the existing one and minor repair works to the existing bible garden paved areas that may be impacted during construction.
- The provision of landscaping to include native species to ensure no environmental or amenity impacts on surrounding land uses. The proposed landscaping includes the provision of a landscape roof over the proposed garage to ensure no visual impacts on the adjoining Bible Garden.

#### 3.2 Design Intent, Visual and Amenity Impacts

The objective of this development is to provide a new dwelling that best responds to the natural characteristics of the site and surrounding context. This has been achieved through location the majority of the dwelling below the existing shared driveway where the existing dwelling is located and the stepping of the new dwelling down the site.

The proposed development takes advantage of the topography of the site to maximise the use of the site, benefit from existing views and minimize any visual or amenity impacts on surrounding land uses.

The proposed development includes the provision of landscaping comprising native species to ensure no environmental or amenity impacts on surrounding land uses. The proposed landscaping includes the provision of a landscape roof over the proposed garage to ensure no visual impacts on the adjoining bible garden.

#### 3.3 Tree Removal and Ecological Impact

A total of two (2) trees are required to be removed to facilitate the proposed development. An Arborist Report has been prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is

provided in **Appendix H**. The Arborist Report details that one of the trees to be removed is an exempt tree species under local tree preservation conditions and the proposed works will not impact any of the existing trees to be retained in the surrounding area.

In addition, a Flora and Fauna Assessment was also prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is provided in **Appendix I**. The Flora and Fauna Assessment included:

- on ground surveys on 18 August and 3 September 2019;
- Bionet searches for flora, fauna and endangered populations to identify if there were previous records of threatened species occurring within the local area using a 10km radius around the site; and
- a review of the proposed development and evaluation for potential environmental impacts.

The Flora and Fauna Assessment concluded that:

- No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.
- No significant habitat features, values or landscape corridors will be impacted by the proposed development.
- The proposal does not trigger entry into the Biodiversity Offset Scheme.
- The neighbouring Bible Garden/public recreation area will remain open to the public and unaffected by the proposal; and
- All 5 part tests have concluded that the proposal is not likely to affect Large Forest Owls, Grey-headed Flying-foxes or microbats and will not be likely to put the local populations at risk of extinction.

The assessment also includes a number of recommended mitigation measures to be incorporated during the construction of the development which will be implemented to ensure potential ecological impacts are minimised and appropriately mitigated.

## **4.0 Assessment of Environmental Impacts**

### **4.1 Statutory Planning Framework and Compliance**

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. These are:

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy No.19 – Bushland in Urban Areas;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Pittwater Local Environmental Plan 2014; and
- Pittwater Development Control Plan 2014

#### 4.1.1 State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 requires Council to consider whether the subject land of any rezoning or development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

SEPP 55 further requires the preparation of a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines, to be considered by the consent authority before determining an application for consent to carry out development that would involve a change of use of that land.

The subject site is not located within an investigation area and has contained only residential land uses for an extended period of time. The site is therefore considered suitable for the intended use. No further investigation is deemed to be necessary.

#### 4.1.2 State Environmental Planning Policy No.19 – Bushland in Urban Areas

SEPP 19 applies to the subject site. Clause 9 of the SEPP requires the public authority to take into consideration the need to retain any bushland on the land, the effect of the proposed development on bushland zoned or reserved for public open space purposes and on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and any other matters relevant to protect the bushland zoned or reserved for public open space.

It is considered that the proposed development will not adversely impact on the surrounding bushland. The proposal incorporates appropriate landscaping that will positively contribute to the surrounding bushland and appropriate erosion and sediment control measures will be incorporated during demolition and construction of the proposal to ensure any potential impacts are minimised.

#### 4.1.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

A total of two (2) trees are required to be removed to facilitate the proposed development. An Arborist Report has been prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is provided in **Appendix H**. The Arborist Report details that one of the trees to be removed is an exempt tree species under local tree preservation conditions and the proposed works will not impact any of the existing trees to be retained in the surrounding area.

In addition, a Flora and Fauna Assessment was also prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is provided in **Appendix I**. The Flora and Fauna Assessment included:

- on ground surveys on 18 August and 3 September 2019;

- Bionet searches for flora, fauna and endangered populations to identify if there were previous records of threatened species occurring within the local area using a 10km radius around the site; and
- a review of the proposed development and evaluation for potential environmental impacts.

The Flora and Fauna Assessment concluded that:

- No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.
- No significant habitat features, values or landscape corridors will be impacted by the proposed development.
- The proposal does not trigger entry into the Biodiversity Offset Scheme.
- The neighbouring Bible Garden/public recreation area will remain open to the public and unaffected by the proposal; and
- All 5 part tests have concluded that the proposal is not likely to affect Large Forest Owls, Grey-headed Flying-foxes or microbats and will not be likely to put the local populations at risk of extinction.

The assessment also includes a number of recommended mitigation measures to be incorporated during the construction of the development which will be implemented to ensure potential ecological impacts are minimised and appropriately mitigated. The proposed development is therefore considered to be consistent with the SEPP.

#### **4.1.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

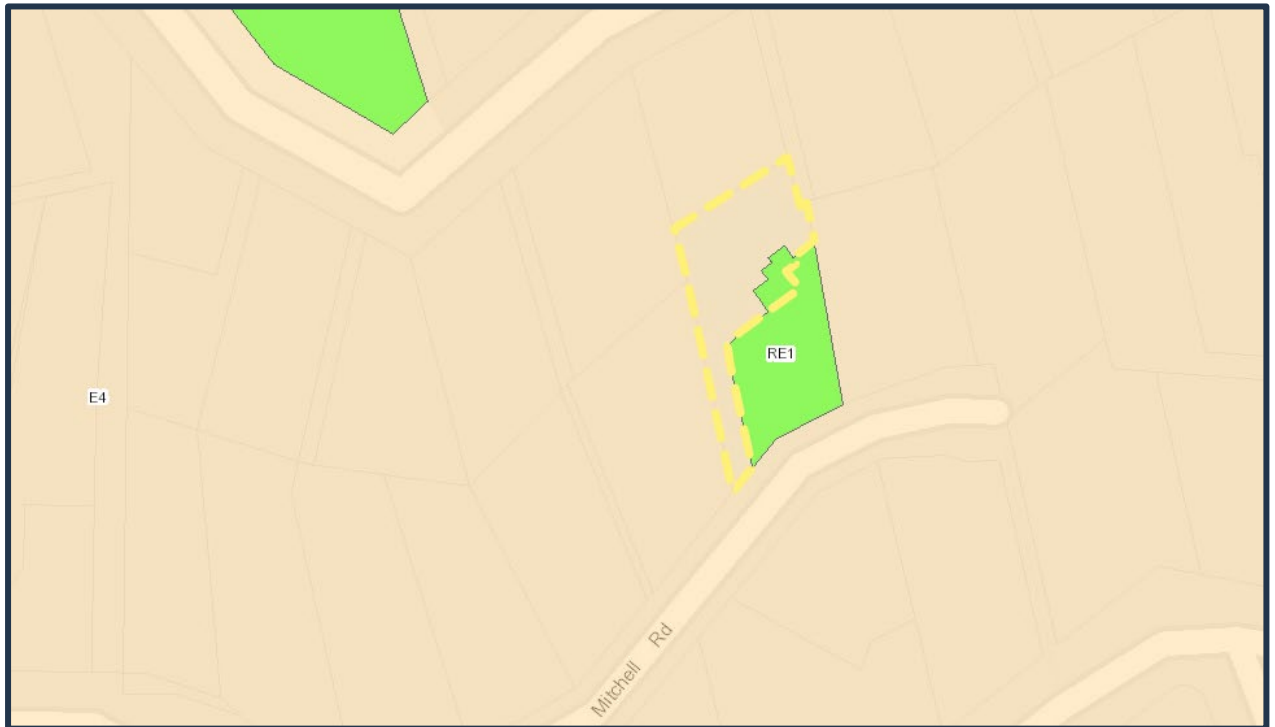
The SEPP aims to encourage sustainable residential development and requires DA's for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out. The proposed development is consistent with the aim of the SEPP and all of its planning controls.

A BASIX certificate has been prepared for the proposed development and demonstrates that the proposed development satisfies the requirement of the BASIX SEPP. The BASIX certificate is located at **Appendix L**.

#### **4.1.5 Pittwater Local Environmental Plan 2014**

##### **Permissibility**

The site is situated within the Northern Beaches Local Government Area (LGA) and part of the former Pittwater Council. The proposal is subject to the provisions of the Pittwater Local Environmental Plan (LEP) 2014. The site is zoned E4 Environmental Living and RE1 Public Recreation pursuant to the Pittwater LEP, as shown in **Figure 3** below.



**Figure 3: Map showing the land zoning of the subject site (Source: NSW Planning Portal)**

The proposed development consists of the construction of a new dwelling which is permissible with consent in the E4 zone. Ancillary structures will be constructed on the portion of the site that is zoned RE1 in which dwellings are prohibited.

The Applicant has received legal advice from Shaw Reynolds Lawyers (**Appendix E**) that the development can be carried out in the relevant zone.

It is permissible with consent to construct a “recreation area” in the RE1 Public Recreation zone. It is also permissible to construct a “road” without consent in the zone. The Pittwater LEP provides the following definitions:

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- a) a children’s playground, or
- b) an area used for community sporting activities, or
- c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)

**road** means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

The Roads Act 1993 provides the following definitions for a road:

**private road** means any road that is not a public road.

**public road** means:

- a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- b) any road that is declared to be a public road for the purposes of this Act.

**road** includes:

- a) the airspace above the surface of the road, and
- b) the soil beneath the surface of the road, and
- c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

As detailed Roads are permitted without development consent under the Pittwater LEP in the RE1 Public Recreation zone. This means that no development application or development consent is required for a road to be constructed and used in the part of the site zoned RE1 Public Recreation.

Roads include “any other work or structure forming part of the road”. This means that if other works or structures form part of the road, they can also be constructed and used without development consent.

In this instance, a viewing platform will be situated above a private road providing access to a residential dwelling. Any other structures required to facilitate the use of the road would be considered ancillary to the permissible use of the private road. This includes any supporting structure for the viewing platform (i.e. the garage), or an elevator to the residential dwelling to allow for the private road to be used as intended.

In *Argyropoulos v Canterbury Municipal Council* (1988) 66 LGRA 202 the Court held that the permissible use of a “road” remained permissible in a residential area although its sole purpose was to serve a prohibited industrial use on adjoining industrial land. Similarly, in this instance a road is permitted without consent and is allowable despite its sole purpose being to serve a prohibited residential use on the Property.

This approach will ensure that the obligations under the Heads of Agreement Contract are satisfied and that both the viewing platform and garage are delivered in accordance with the Bible Garden Plan Beach Plan of Management without the need for further additional assessment or development consent.

Alternatively, in light of the proposed development application for the Property, it may be Council’s preference to incorporate the works on the RE1 zoned land for the purposes of permissibility.

In *Foodbarn Pty Ltd v Solicitor-General* (1975) 32 LGRA 157 the Court found that where part of premises are used for a prohibited purpose, which is serving a dominant purpose, it is legitimate to disregard the prohibited purpose and to treat the dominant purpose as that for which the whole premises are being used.

In this instance a garage is proposed on the Property in the area zoned RE1 Public Recreation. The garage has as its roof a garden viewing platform. The garage is ancillary to a dwelling house which is also proposed on the Property in the E4 Environmental Living zone. A dwelling house is permissible in the E4

Environmental Living zone; however, it is prohibited in the RE1 Public Recreation zone. The garage's ancillary purpose is to serve the dwelling house.

Looking at the situation from another perspective, the garage is also ancillary to the proposed garden viewing platform. The garden viewing platform abuts the Bible Garden with the purpose of effectively extending the Bible Garden into so much of the Property as exists above the garage. Whilst the garden viewing platform can be categorised as a recreational area and sits comfortably within the RE1 Public Recreation zone, provided consent is granted, its understory, being the supporting structure facilitating the use of a garage, would be ancillary to the recreational area which it supports. In any instance, recreational areas include any "ancillary buildings", and the supporting structure would be a necessary component of the recreation area.

An ancillary prohibited use can be disregarded if it is subservient to a permissible use. In this regard the garage is subservient to the use of the viewing platform which is a permissible use i.e., "recreational area" under the Pittwater LEP. Accordingly, the garage is permissible as an ancillary use given that the viewing platform is supported by the garage.

Such an interpretation supports the outcome that was contemplated in the Heads of Agreement Contract. This approach will ensure that the obligations under the Heads of Agreement Contract are satisfied and that both the viewing platform and garage are delivered in accordance with the Plan of Management.

#### **Zone Objectives – E4 Environmental Living**

The objectives of the E4 zone are:

- *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.*

#### **Comment**

The proposed development is consistent with the relevant objectives of the zone in that it provides an appropriate low density residential development integrated with the landform and landscape that has been designed to ensure it does not result in any impacts on the ecological, aesthetic or heritage values of the site or the wider locality.

#### **Zone Objectives – RE1 Public Recreation**

The objectives of the SP2 zone are:

- *To enable land to be used for public open space or recreational purposes.*

- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To allow development that does not substantially diminish public use of, or access to, public open space resources.*
- *To provide passive and active public open space resources, and ancillary development, to meet the needs of the community.*

### Comment

The proposed development is consistent with the relevant objectives of the zone. A minor portion of the development proposed on the RE1 zoned land is ancillary to the residential development on the E4 zoned land and has been designed to ensure it does not adversely impact the existing recreational land at 6a Mitchell Road. The development incorporates appropriate design and landscaping to ensure there are no visual, amenity or ecological impacts on the RE1 zoned land or the surrounding area.

### Relevant Clauses

An assessment of the proposal against the relevant clauses of the LEP is provided in **Appendix A**.

#### 4.1.6 Pittwater Development Control Plan 2014

The Pittwater Development Control Plan (DCP) 2009 provides detailed provisions to supplement the Pittwater LEP 2014. An assessment of the proposal against the relevant development controls applying to the subject land is provide for at **Appendix B**.

The proposed development is generally consistent with the relevant objectives and controls of the DCP and detailed justification has been provided where a variation is sought.

#### 4.2 Heritage Impacts

The site directly adjoins and partially forms a part of the locally listed heritage item “The Bible Garden” at 6a Mitchell Road, Palm Beach as identified within the Pittwater Local Environmental Plan (LEP) 2014. A small portion of the subject site forms part of the heritage listing however it is predominantly located on 6a Mitchell Road to the south of the site.

A Heritage Impact Statement has been prepared in support of the proposal by Weir Phillips Heritage and Planning and is provided in **Appendix J**. The Heritage Impact Statement concludes that the proposed development will have minor but acceptable impact on the significance of the adjoining heritage item based on the following:

- The proposed dwelling is compatible with the concept schemes envisaged when the site was subdivided and sold. The proposed dwelling is more condensed than the indicative concept scheme proposed for the subdivision of the original site and does not cut into the existing cliff face which better conserves the natural heritage of the area.



- The scheme by Stephen Lesiuk Architect has been presented and endorsed by the Trustees of the “Bible Garden” Memorial Trust in a letter dated 17th August 2020.
- The proposed landscape improvements including new balustrading to the garden will not impact on the components of the garden. Rectification works to the existing stone terracing and balustrading of the northern boundary will improve the stability and safety of users of the Bible Garden.
- The dwelling will be concealed by the existing topography when viewed from Mitchell Road and from within the Bible Garden.
- From Palm Beach and surrounds, the proposal would be visible as one of a number of residential developments within the escarpment behind Palm Beach. Any new house will be visible in the landscape from these viewpoints but will have a lessened visual impact due to the scale and constrained nature of the site in comparison to other nearby residential developments. The visual impact from this perspective is considered to be minor.
- The character of the Bible Garden, as a site enjoyed for quiet contemplation and appreciation of the magnificent outlook towards Palm Beach will be unaffected by the proposal.
- The proposed dwelling is unlikely to reduce the user’s ability to interpret the cultural landscape of the Bible Garden within its context.
- The proposed landscape improvements including new balustrading to the garden are considered to not have an adverse impact on the components of the garden.
- The proposed development has been designed to fit seamlessly within the existing complex landscape. The works will not intrude on the visitor experience of the garden or its views.
- In order to make the proposed dwelling recessive in the landscape and reduce any visual impact the garage and entry roof will be non-trafficable green roofs.
- The proposed landscaping in the north western corner does not obscure the views from the Bible Garden. The landscaping is to be native locally sourced plantings so as to blend in with the environment surrounding.
- The proposed materials and exterior finishes chosen will complement the natural colours of the landscape. The materials will be as restricted palettes of tertiary colours which blend naturally with the surrounding landscape. The glass fronted northern elevation will be shaded to reduce reflectivity so as to not detract from the landscape setting.
- The existing dwelling on site is not considered to be of heritage significance, either through the assessment of Northern Beaches Council or by the authors of this statement.

#### 4.3 View Loss Analysis

The notion of view loss is invoked when a property enjoys existing views, and a proposed development would impact on that view. View loss impacts is addressed in the planning principle established by the NSW Land & Environment Court to deal with the assessment of view loss impacts, referred to as the *Tenacity Principle* (*Tenacity Consulting v Warringah* [2004] NSWLEC 140).

To determine the impact of view loss, the following four-step assessment should be used.

- Step 1** *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
- Step 2** *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
- Step 3** *The third step is to assess the extent of the impact. This needs to be done for the whole of the property, and not just to that part where the views are affected. The views from living areas (including kitchen areas) are more significant than from bedrooms or service areas. Whilst the impact could be assessed quantitatively, it is more useful to look at the issue in a qualitative sense and ask whether the view loss is negligible, minor, moderate, severe or devastating.*
- Step 4** *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.*

The following provides an assessment of the properties deemed to be impacted by the development using the steps established in *Tenacity Principle* (*Tenacity Consulting v Warringah* [2004] NSW LEC 140).

### Step 1

The existing significant views in proximity to the subject site comprise of ocean and beach views of Palm Beach located to the north east of the site.

The subject site slopes down towards the north and the proposed development has been designed to respond to the natural topography and steps down the site. This ensures that the proposed development will not impact on any existing views from residential properties to the south of the site.

In addition, the proposed dwelling has been sited and designed to ensure that it does not impede on any existing views towards Palm Beach for existing residential development located to the south and west of the proposal.

Therefore, the only existing views that the proposed development has potential to impact are that of the existing public recreation area and local heritage item the Bible Garden located directly south of the site at 6a Mitchell Road, Palm Beach.

## Step 2

Views from the Bible Garden extend from Mitchell Road in an arch from the northwest to northeast towards Palm Beach. The land is also visible also from nearby privately owned residential properties to the north east. The views are achieved from the elevated position of the site and due to the topography, the subject site and existing dwelling are not visible from the Bible Garden as detailed in **Figure 4** and **5** below.

The existing views are achieved from a standing or seated position across the site with the only obstructions consisting of existing vegetation.



**Figure 4:** Existing view from the Bible Garden (Source: Weir Phillips Heritage and Planning)

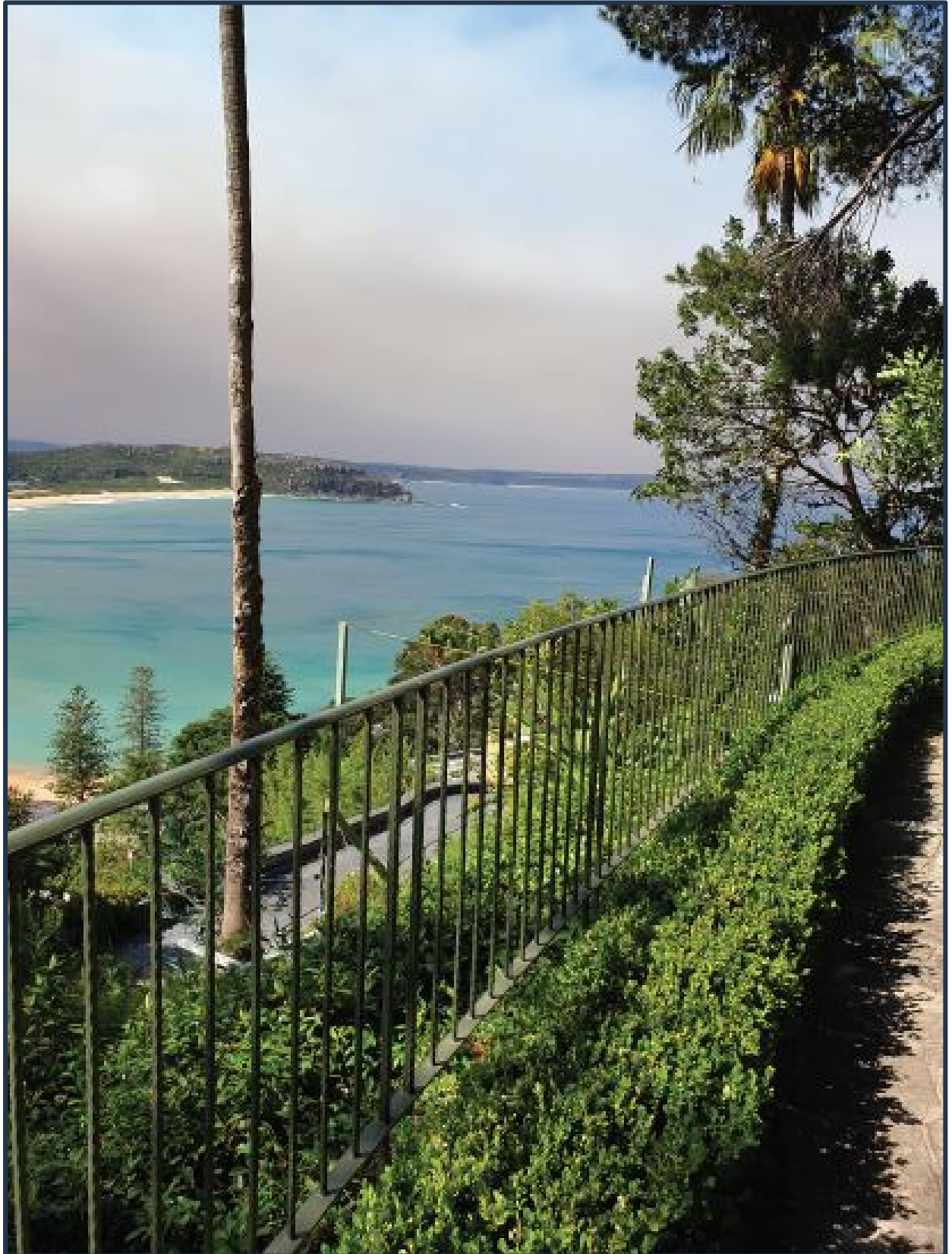


**Figure 5:** Existing view from the Bible Garden indicating the location of the subject site (Source: Weir Phillips Heritage and Planning)

During the design process the Architect in consultation with the Committee of the Friends of the Palm Beach Bible Garden installed height poles to determine the potential impact of the proposal. **Figure 6** and **7** below details the height poles with the yellow string identifying the existing level of the bible garden and the red string identifying the maximum height allowable and proposed on the subject site as per the existing covenant.



Figure 6: Site photo detailing the installation of the height poles in relation to the existing view (Source: Stephen Lesiuk Architect)



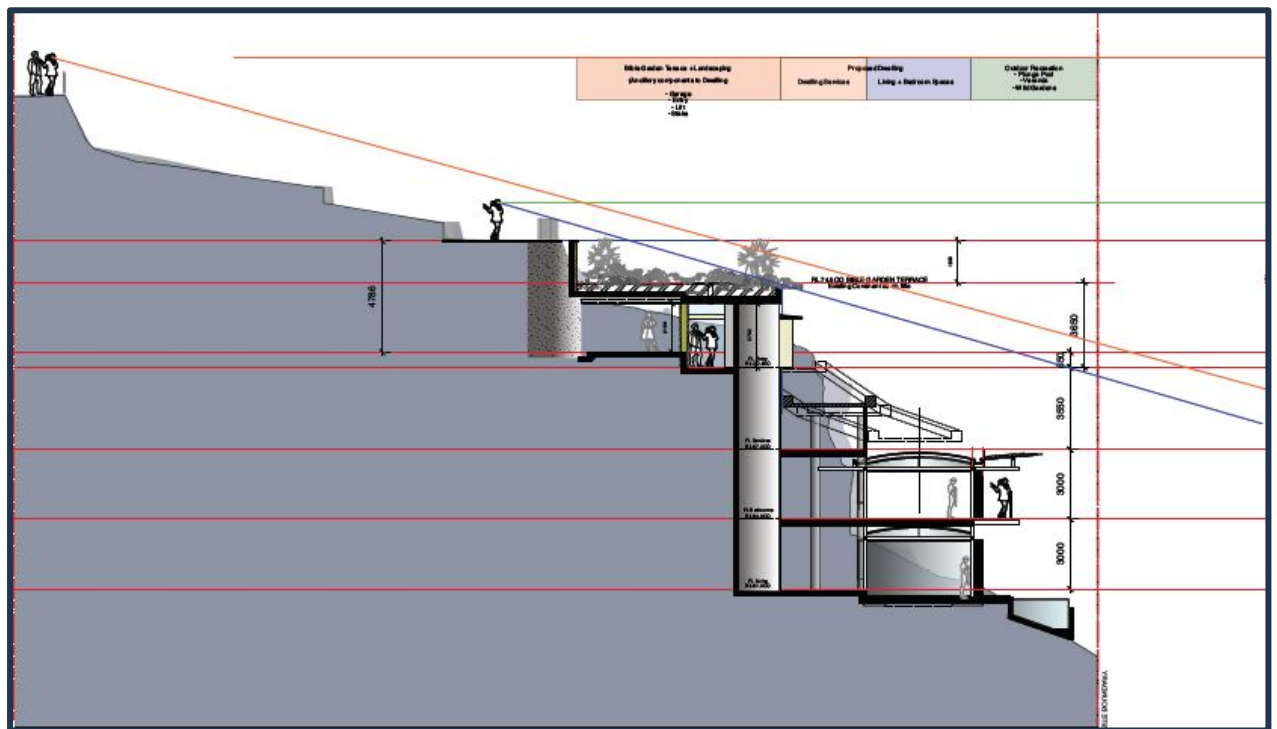
**Figure 7:** Site photo detailing the installation of the height poles in relation to the existing view (Source: Stephen Lesiuk Architect)

**Step 3**

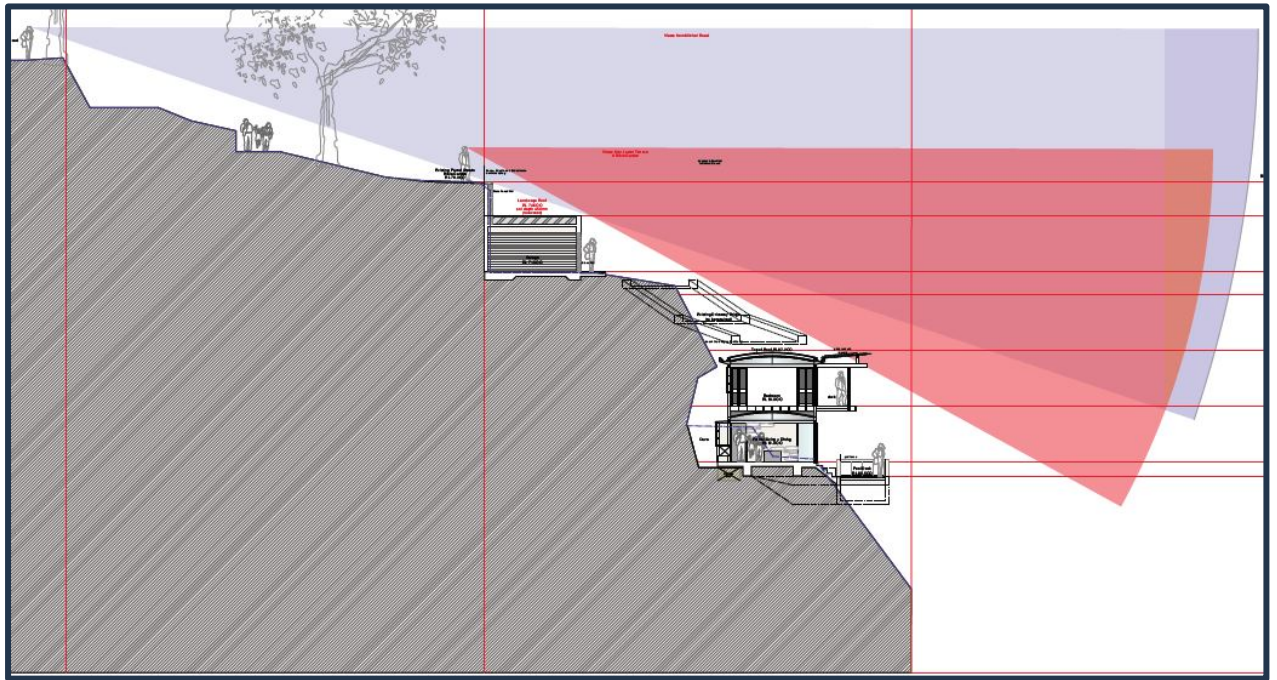
The proposed development has been designed to best respond to the natural characteristics of the site and surrounding context. This has been achieved through locating the majority of the dwelling below the existing shared driveway where the existing dwelling is located and the stepping of the new dwelling down the site.

This ensures that no portion of the development will impede on the existing views from the Bible Garden. The proposed garage is located the closest to the Bible Garden and includes the provision of a landscaped roof to ensure it does not impact on the existing outlook from the bible garden and positively contributes to the outlook.

Due to the topography of the site the proposed dwelling will not impact on the existing views from the Bible Garden as detailed in **Figure 6 & 7** above and **Figure 8 & 9** below.



**Figure 8: View Analysis** detailing the elevated position of the Bible Garden in relation to the proposed dwelling (Source: Stephen Lesiuk Architect)



**Figure 9: View Analysis detailing the elevated position of the Bible Garden in relation to the proposed dwelling (Source: Stephen Lesiuk Architect)**

#### Step 4

The proposed development is therefore considered to be reasonable from a view loss perspective in that it has been sited and designed to ensure all existing views are appropriately maintained. The construction of the development may involve minor impact on existing views however these will be restored at the completion of the development.

#### 4.4 Social and Economic Impacts

The construction of the proposed development will bring with it a number of important environmental benefits for the local and wider community as outlined below.

- The development will provide improved residential accommodation within the site, that does not result in any adverse impacts on surrounding development;
- Provide short-term economic benefits through construction expenditure and employment; and
- Positively complements the character, amenity of the area thus enhancing resident quality of life and satisfaction.

#### 4.5 Site Suitability

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

- The size and dimensions of the land are appropriate for accommodating the proposal;



- It will deliver a dwelling that positively responds to the site and is compatible in size and siting with surrounding existing developments; and
- The site is considered suitable for that development as it satisfies the need for residential accommodation whilst ensuring no adverse impacts on adjoining sites or the wider locality.

#### 4.6 Public Interest

The proposal will facilitate the development of the site by providing a new and improved housing development which achieves good design. Generally, the proposal provides the following public benefits:

- The development has been designed that enhances and responds sensitively to its setting, creating spaces that reflect the desired scale and significance of the immediate precinct.
- The proposed development provides a built form that presents as high-quality design that fits within the envisaged character of the area and responds to the site attributes and development controls applicable; and
- There are no adverse impacts on surrounding properties in terms of sunlight access, views, visual and acoustic privacy.

#### 5.0 Conclusion

This proposal seeks consent for the demolition of existing structures and construction of a new four-storey dwelling and associated works at 6 Mitchell Road, Palm Beach.

The proposal is consistent with the relevant environmental planning instruments, including the Pittwater Local Environmental Plan 2014 and the Pittwater Development Control Plan 2014. The proposed development has planning merit in the following respects:

- the proposed development provides well-designed housing to meet the needs of a growing population;
- The proposed development has high architectural merit and is of design excellence; and
- there are no adverse impacts on surrounding properties.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate and warrants favourable consideration.



**A PUBLICATION BY  
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## APPENDIX A

# PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 - COMPLIANCE TABLE

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Pittwater Local Environmental Plan 2014  
6 Mitchell Road, Palm Beach

Clause	Requirement	Comment	Complies
<p><b>2.7 Demolition Requires Development Consent</b></p>	<p>The demolition of a building or work may be carried out only with development consent.</p>	<p>The development proposes the demolition of the existing dwelling and associated structures on site.</p>	<p>✓</p>
<p><b>4.3 Height of Buildings</b></p>	<p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. – 8.5m.</p> <p>Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—</p> <p>a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and</p> <p>b) the objectives of this clause are achieved, and</p>	<p>The majority of the proposed development complies with the maximum 8.5m height limit. A minor portion does not exceed 10m which in accordance with Clause 4.3(2D) as detailed in the Architectural Plans provided in <b>Appendix C</b>.</p> <p>The portion of the building that exceeds the 8.5m height limit comprises a small portion of the glass roof over the first floor deck area and consist of a minor portion of the overall building.</p> <p>The proposed development achieves the objectives of Clause 4.3 of the Pittwater LEP 2014 in that the height and scale of the building is consistent with the desired character of the locality, is consistent with the existing site context, does not result in any adverse shadow or amenity impacts on surrounding development, allows for appropriate view sharing, responds to the natural topography of the site and surrounding area and does not impact surrounding heritage items.</p>	<p>✓</p>

	<p>c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and</p> <p>d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.</p>	<p>The proposed building is situated on a site with a slope of 34 degrees.</p> <p>The proposed development has been designed to best respond to the natural characteristics of the site by stepping the built form down the site.</p> <p>Therefore, the proposed complies with the maximum building height limit prescribed by Clause 4.3 of the LEP.</p>	
<p><b>5.10 Heritage Conservation</b></p>	<p>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.</p>	<p>The site directly adjoins and partially forms a part of the locally listed heritage item “The Bible Garden” at 6a Mitchell Road, Palm Beach as identified within the Pittwater Local Environmental Plan (LEP) 2014. A small portion of the subject site forms part of the heritage listing however it is predominantly located on 6a Mitchell Road to the south of the site.</p> <p>A Heritage Impact Statement has been prepared in support of the proposal by Weir Phillips Heritage and Planning and is provided in <b>Appendix J</b>. The Heritage Impact Statement concludes that the proposed development will have minor but acceptable impact on the significance of the adjoining heritage item.</p>	✓
<p><b>7.1 Acid Sulfate Soils</b></p>	<p>To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The subject site is identified as containing Class 5 acid sulfate soils. The proposed development will not expose or drain acid sulfate soils and appropriate building materials will be used in the construction of the new dwelling.</p>	✓

<p><b>7.2 Earthworks</b></p>	<p>To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land</p>	<p>The proposed development will include minor earthworks to facilitate the new dwelling. The minor earthworks proposed will not have a detrimental impact on surrounding and uses or environmental functions of surrounding lands. Earthworks will be minimised where possible to follow natural topography.</p>	<p>✓</p>
<p><b>7.6 Biodiversity</b></p>	<p>The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:</p> <ul style="list-style-type: none"> <li>a) protecting native fauna and flora, and</li> <li>b) protecting the ecological processes necessary for their continued existence, and</li> <li>c) encouraging the conservation and recovery of native fauna and flora and their habitats.</li> </ul>	<p>A Flora and Fauna Assessment was prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is provided in <b>Appendix I</b>. The Flora and Fauna Assessment included:</p> <ul style="list-style-type: none"> <li>• on ground surveys on 18 August and 3 September 2019;</li> <li>• Bionet searches for flora, fauna and endangered populations to identify if there were previous records of threatened species occurring within the local area using a 10km radius around the site; and</li> <li>• a review of the proposed development and evaluation for potential environmental impacts.</li> </ul> <p>The Flora and Fauna Assessment concluded that:</p> <ul style="list-style-type: none"> <li>• No threatened flora or fauna species were recorded on- site during survey or previously recorded via Bionet.</li> <li>• No significant habitat features, values or landscape corridors will be impacted by the proposed development.</li> <li>• The proposal does not trigger entry into the Biodiversity Offset Scheme.</li> <li>• The neighbouring bible garden/public recreation area will remain open to the public and unaffected by the proposal; and</li> <li>• All 5 part tests have concluded that the proposal is not likely to significantly affect Large Forest Owls, Grey-headed Flying-</li> </ul>	<p>✓</p>

		<p>foxes or microbats and will not be likely to put the local populations at risk of extinction.</p> <p>The assessment also includes a number of recommended mitigation measures to be incorporated during the construction of the development which will be implemented to ensure potential ecological impacts are minimised and appropriately mitigated.</p>	
<b>7.7 Geotechnical Hazards</b>	<p>The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:</p> <ul style="list-style-type: none"> <li>a) matches the underlying geotechnical conditions of the land, and</li> <li>b) is restricted on unsuitable land, and</li> <li>c) does not endanger life or property.</li> </ul>	<p>The site is identified as Geotechnical Hazard H1. As a result, a Geotechnical Report has been prepared by Crozier Geotechnical Consultants in support of the application and is provided in <b>Appendix G</b>. All recommendations of the report will be implemented as a part of the development.</p>	✓
<b>7.10 Essential Services</b>	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable vehicular access.</li> </ul>	<p>The site will continue to be serviced by existing infrastructure for water, gas, electricity, sewerage management and stormwater drainage.</p>	✓

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## APPENDIX B

# PITTWATER DEVELOPMENT CONTROL PLAN 2014 - COMPLIANCE TABLE

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**Pittwater Development Control Plan 2014– Compliance Table**  
**6 Mitchell Road, Palm Beach**

Control	Requirement	Comment	Complies
<b>SECTION A: Shaping Development in Pittwater</b>			
<b>A4 Localities</b>	<p><u>A4.12 Palm Beach Locality</u></p> <p>The Palm Beach locality will remain primarily a low-density residential area with dwelling houses in maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.</p>	<p>The proposed development is consistent with the desired future character of the Palm Beach Locality in that it provides an appropriate low density residential development integrated with the landform and landscape that has been designed to ensure it does not result in any impacts on the ecological, aesthetic or heritage values of the site or the wider locality.</p>	✓
	<p>Future development will maintain a building height limit below the tree canopy and minimise bulk and scale whilst ensuring that future development respects the horizontal massing of the existing built form. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.</p>	<p>The proposed development has been designed to comply with the maximum building height control under the LEP and to best respond to the natural topography by stepping the built form down the site. The proposed development provides appropriate materials and finishes that are consistent with the character of the area and provides landscaping that positively contribute to the existing natural environment.</p>	✓
<b>SECTION B: General Controls</b>			
<b>B1.2 Heritage Conservation</b>	<p>Any development application involving work likely to impact the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site is to be</p>	<p>The site directly adjoins and partially forms a part of the locally listed heritage item “The Bible Garden” at 6a Mitchell Road, Palm Beach as identified within the Pittwater Local</p>	✓

<p><b>Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites</b></p>	<p>accompanied by a Statement of Heritage Impact prepared by an appropriately qualified heritage professional. Guidance on preparing a Heritage Impact Statement (Statement of Heritage Impact) is available at NSW Office of Environment &amp; Heritage in the NSW Heritage Manual or superseding publication.</p> <p>Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to minimise the impact on the heritage significance by providing an adequate buffer zone, and maintaining and respecting significant views to and from the heritage item, heritage conservation area, archaeological site or potential archaeological site.</p>	<p>Environmental Plan (LEP) 2014. A small portion of the subject site forms part of the heritage listing however it is predominantly located on 6a Mitchell Road to the south of the site.</p> <p>A Heritage Impact Statement has been prepared in support of the proposal by Weir Phillips Heritage and Planning and is provided in <b>Appendix J</b>. The Heritage Impact Statement concludes that the proposed development will have minor but acceptable impact on the significance of the adjoining heritage item.</p> <p>The proposed development has been designed to ensure all impacts on the adjoining heritage item are minimised. This has been achieved through the siting and design of the development to ensure it is largely located beneath the existing shared driveway, it does not impede on existing views, it incorporates appropriate landscaping that enhances the existing environment and any potential damage to the adjoining site caused during construction is appropriately rectified.</p>	<p style="text-align: right;">✓</p>
	<p><u>B1.4 Aboriginal Heritage Significance:</u></p> <p>If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal object then additional independent information on the potential heritage significance may be requested</p>	<p>There are no known Aboriginal Heritage items located on or surrounding the subject site. If any are found during the demolition process, they will be reported to the NSW Office of Environment and Heritage.</p>	<p style="text-align: right;">✓</p>
<p><b>B3 Hazard Controls</b></p>	<p><u>B3.1 Landslip Hazard</u></p>		

	<p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>The site is identified as Geotechnical Hazard H1. As a result, a Geotechnical Report has been prepared by Crozier Geotechnical Consultants in support of the application and is provided in <b>Appendix G</b>.</p> <p>The Geotechnical Report details measures to be incorporated to ensure the proposed development will not impact the site or adjoining land uses and the development can be constructed to meet the requirements of the DCP.</p>	<p>✓</p>
	<p><u>B3.6 Contaminated Land and Potentially Contaminated Land</u></p> <p>Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.</p>	<p>The subject site is not located within an investigation area and has contained only residential land uses for an extended period of time. The site is therefore considered suitable for the intended use. No further investigations are deemed to be necessary.</p>	<p>✓</p>
<p><b>B4 Controls Relating to the Natural Environment</b></p>	<p><u>B4.6 Wildlife Corridors</u></p> <p>Development shall not directly impact on / or significantly reduce / degrade habitat for locally native species, threatened species, endangered populations or endangered ecological communities</p>	<p>A Flora and Fauna Assessment was also prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is provided in <b>Appendix I</b>. The Flora and Fauna Assessment included on ground surveys on 18 August and 3 September 2019, bionet searches for flora, fauna and endangered populations to identify if there were previous records of threatened species occurring within the local area using a 10km radius around the site and a review of the proposed development.</p> <p>The Flora and Fauna Assessment concluded that:</p> <ul style="list-style-type: none"> <li>• No threatened flora or fauna species were recorded on-site during survey or previously recorded via Bionet.</li> </ul>	<p>✓</p>

		<ul style="list-style-type: none"> <li>• No significant habitat features, values or landscape corridors will be impacted by the proposed development.</li> <li>• The proposal does not trigger entry into the Biodiversity Offset Scheme.</li> <li>• The neighbouring bible garden/public recreation area will remain open to the public and unaffected by the proposal; and</li> <li>• All 5 part tests have concluded that the proposal is not likely to significantly affect Large Forest Owls, Grey-headed Flying-foxes or microbats and will not be likely to put the local populations at risk of extinction.</li> </ul> <p>The assessment also includes a number of recommended mitigation measures to be incorporated during the construction of the development which will be implemented to ensure potential ecological impacts are minimised and appropriately mitigated.</p>	
	<p><u>B4.22 Preservation of Trees and Bushland Vegetation</u></p> <p>To protect and enhance the urban forest of the Northern Beaches, whilst also promoting the retention and planting of trees which will help enable plant and animal communities to survive in the long-term</p>	<p>A total of two (2) trees are required to be removed to facilitate the proposed development. An Arborist Report has been prepared by Ecological Consultants Australia Pty Ltd in support of the proposal and is provided in <b>Appendix H</b>. The Arborist Report details that one of the trees to be removed is exempt and the proposed works will not impact any of the existing trees to be retained in the surrounding area.</p>	<p>✓</p>
<p><b>B5</b> <b>Water</b> <b>Management</b></p>	<p><u>B5.1 Water Management Plan</u></p> <p>The Water Management Plan is to be clearly drafted, of a minimum 1:200 scale, showing the development, surface contours to AHD, all</p>	<p>Stormwater is proposed to be managed in a manner which is consistent with the existing dwelling on the property.</p>	<p>✓</p>

	<p>components of the Integrated Water Management System, and the proposed development</p>								
	<p><b><u>B6.2 Internal Driveways</u></b></p> <p>An Internal Driveway must be provided for in:</p> <ul style="list-style-type: none"> <li>● any new development;</li> <li>● development where additional car parking spaces and/or garages are required by Council's plans or policies;</li> <li>● any alterations and additions where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 m<sup>2</sup> ; and</li> <li>● development where additional car parking spaces and/or garages are proposed.</li> </ul> <p>If the applicant proposes to retain the existing driveway, the applicant will need to demonstrate compliance with the outcomes and driveway standards of this control.</p>	<p>The proposed development will be accessed off the existing shared driveway that currently provides access to the existing dwelling onsite.</p> <p>Compliance with the relevant driveway standards have been detailed in the Civil Engineering Plans prepared by NB Consulting Engineers in support of the proposal provided in <b>Appendix F.</b></p>	<p>✓</p> <p>✓</p>						
	<p><b><u>B6.5 Off-Street Vehicle Parking Requirements – Low Density Residential</u></b></p> <p>The minimum number of vehicle parking spaces to be provided for off-street parking is as follows:</p> <table border="1" data-bbox="398 1121 1234 1353"> <thead> <tr> <th><u>Size of Dwelling</u></th> <th><u>Parking Requirements Per Dwelling</u></th> </tr> </thead> <tbody> <tr> <td>Small Dwelling (1 bedroom)</td> <td>1 Space</td> </tr> <tr> <td>Large Dwelling (2 bedrooms or more)</td> <td>2 Spaces</td> </tr> </tbody> </table> <p>Minimum dimensions of internal space for on-site parking are:</p>	<u>Size of Dwelling</u>	<u>Parking Requirements Per Dwelling</u>	Small Dwelling (1 bedroom)	1 Space	Large Dwelling (2 bedrooms or more)	2 Spaces	<p>Two car spaces are provided within the garage, which satisfies the off-street vehicular parking requirements as the proposed dwelling will be over 2 bedrooms.</p>	<p>✓</p> <p>✓</p>
<u>Size of Dwelling</u>	<u>Parking Requirements Per Dwelling</u>								
Small Dwelling (1 bedroom)	1 Space								
Large Dwelling (2 bedrooms or more)	2 Spaces								

	Enclosed garage (internal dimension) - 3.0 metre x 6.0 metre, with 2.4 metre minimum width entry	The proposed garage has internal dimensions of at least 3.0 metre x 6.0 metre, with over a 2.4 metre minimum wide entry.	
	<p><u>B8.2 Construction and Demolition – Erosion and Sediment Management</u></p> <p>Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.</p>	An Erosion and Sediment Control Plan and Construction Management Plan have been prepared by Stephen Lesiuk in support of the proposal and are provided in <b>Appendix C</b> .	✓
	<p><u>B8.3 Construction and Demolition – Waste Minimisation</u></p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	We are instructed that waste materials generated through demolition, excavation and construction works will be disposed at an appropriate waste facility.	✓
	<p><u>B8.4 Construction and Demolition – Site Fencing and Security</u></p> <p>All sites are to be protected by site fencing for the duration of the works.</p>	Site fencing will be used during the demolition and construction process.	✓
<b>Section C Development Type Controls</b>			
<b>C1 Design Criteria for Residential Development</b>	<p><u>C1.1 Landscaping</u></p> <p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species.</p>	<p>The proposed landscaping includes native species to ensure the development is well integrated into the existing landscape, see Landscape Plan provided in <b>Appendix C</b>.</p>	✓
		<p>Extensive landscaping will be provided with this development, that will effectively soften and integrate the</p>	✓

	<p>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</p>	<p>built form, as detailed in the Landscape Plans prepared by Stephen Lesiuk provided in <b>Appendix C</b>.</p>	
	<p><u>C1.2 Safety and Security</u></p> <ul style="list-style-type: none"> <li>• <i>Surveillance</i> Building design should allow visitors who approach the front door to be seen without the need to open the door.  Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</li> <li>• <i>Access Control</i> Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</li> <li>• <i>Territorial Reinforcement</i> Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</li> <li>• <i>Space Management</i> Popular public space is often attractive, well maintained and a well-used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</li> </ul>	<p>The proposed development has been designed to allow of common areas of the driveway.</p> <p>The proposed development has been designed so that the entrance to the dwelling is easily discernible and will be adequately lit.</p> <p>The proposed landscaping provides clear delineation of the site boundary and directs visitors to the correct entrance away from private areas.</p> <p>The proposed development and associated landscaping have been designed to create a smooth transition between the adjoining public open space.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
	<p><u>C1.3 View Sharing</u></p> <p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>The proposed development has been sited and designed to ensure all existing views are appropriately maintained. A</p>	<p>✓</p>

	<p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p> <p>Views are not to be obtained at the expense of native vegetation.</p>	<p>detailed View loss Analysis has been provided in Section 4.3 of this report, in the Architectural Plans (<b>Appendix C</b>) and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</p> <p>The proposed development has been designed to ensure the majority of existing vegetation is retained and no vegetation is to be removed for the sole purpose of obtaining views.</p>	<p>✓</p>
	<p><u>C1.4 Solar Access</u></p> <p>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.</p>	<p>The proposed development has been designed to ensure the proposed dwelling receives a minimum of 3 hours of sunlight between 9am and 3pm on June 21<sup>st</sup> and the existing solar access of adjoining properties is maintained as detailed in the Shadow Diagrams prepared by Urbaine Architecture provided in <b>Appendix C</b>.</p>	<p>✓</p>
	<p><u>C1.5 Visual Privacy</u></p> <p>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation.</p> <p>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.</p>	<p>The proposed private open space areas have been sited and designed to ensure all opportunities for overlooking are minimised and the visual privacy of surrounding developments is maintained.</p> <p>All elevated terraces have been sited and designed to ensure visual privacy is maintained for occupants and adjoining properties.</p>	<p>✓</p> <p>✓</p>



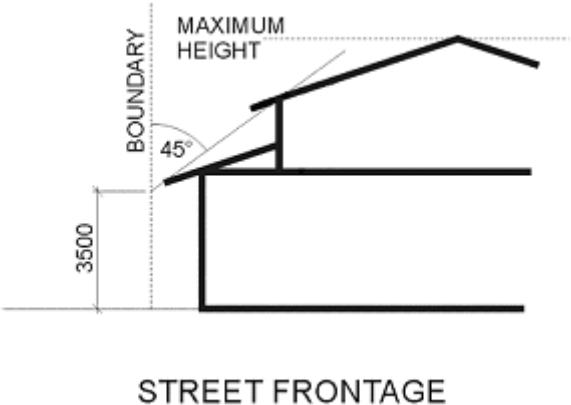
	<p><u>C1.6 Acoustic Privacy</u></p> <p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</p>	<p>The proposed dwelling is not located in close proximity to another dwelling. Although it is not relied on, it is noted that existing vegetation surrounding the dwelling acts as a barrier for visual and acoustic privacy. No main road is located bordering the subject site.</p>	<p>✓</p>
	<p><u>C1.7 Private Open Space</u></p> <p>Minimum 80m<sup>2</sup> 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.</p> <p>Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p> <p>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.</p> <p>Private open space areas are to have good solar orientation</p> <p>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</p>	<p>An Appropriate level of private open space is provided.</p> <p>A principal private open space area of over 16m<sup>2</sup> is provided on the ground floor directly accessible from the living spaces.</p> <p>The proposed private open space areas are directly accessible from the living areas of the dwelling and function as an extension of internal living areas.</p> <p>The proposed private open space areas have been sited to ensure they have good solar orientation.</p> <p>The proposed private open space areas are located to the rear of the dwelling to maximise privacy and amenity.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
	<p><u>C1.12 Waste and Recycling Facilities</u></p>		

	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	We are instructed that waste materials generated through demolition, excavation and construction works will be disposed at an appropriate waste facility and a Waste Management Plan is not relevant to this application.	✓
	<u>C1.13 Pollution Control</u> Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The proposed development has been designed to prevent any form of pollution.	✓
	<u>C1.15 Storage Facilities</u> A lockable storage area of minimum 8 cubic metres per dwelling shall be provided. This may form part of a carport or garage.	As detailed in Architectural Plans ( <b>Appendix C</b> ), adequate storage is provided as part of the development.	✓
	<u>C1.20 Underground of utility services</u> All existing and proposed utility services within the site are to be placed underground or encapsulated within the building.	All proposed services are encapsulated within the built form to minimise any potential impact.	✓
	<u>C1.25 Plant, Equipment Boxes and Lift Over-Run</u> 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.	All noise generating equipment including mechanical plant rooms, equipment and garbage collection areas are located in areas that will reduce the visual and acoustic impact on the neighbouring properties.	✓
<b>Section D: Locality Specific Development Controls</b>			
<b>D12 Palm Beach Locality</b>	<u>D12.1 Character as viewed from the public space</u> Any building facade to a public place must incorporate at least two of the following design features:	The building façade incorporates a number of architectural elements to ensure it provides an appropriate interface when viewed from a public place.	✓

	<ul style="list-style-type: none"> <li>• entry feature or portico;</li> <li>• awnings or other features over windows;</li> <li>• verandahs, balconies or window box treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open, deep verandahs; or</li> <li>• verandahs, pergolas or similar features above garage doors</li> </ul> <p>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.</p>	<p>Extensive landscaping will be provided with this development, that will effectively soften and integrate the built form as detailed in the Landscape Plans provided in <b>Appendix C.</b></p>	<p style="text-align: center;">✓</p>
	<p><u>D12.2 Scenic Protection – General</u></p> <p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</p>	<p>The proposed development is consistent with the desired future character of the Palm Beach Locality in that it provides an appropriate low density residential development integrated with the landform and landscape that has been designed to ensure it does not result in any impacts on the ecological, aesthetic or heritage values of the site or the wider locality.</p> <p>The proposed development has been designed to comply with the maximum building height control under the LEP and to best respond to the natural topography by stepping the built form down the site. The proposed development provides appropriate materials and finishes that are consistent with the character of the area and provides landscaping that positively contribute to the existing natural environment.</p>	<p style="text-align: center;">✓</p>

	<p><u>D12.3 Building Colour and Materials</u></p> <p>External colours and materials shall be dark and earthy tones.</p> <p>Finishes are to be of a low reflectivity.</p>	<p>The proposed materials and exterior finishes chosen will complement the natural colours of the landscape. The materials will be as restricted palettes of tertiary colours which blend naturally with the surrounding landscape. The glass fronted northern elevation will be shaded to reduce reflectivity so as to not detract from the landscape setting.</p>	<p>✓</p>		
	<p><u>D12.5 Front Building Line</u></p> <p>The minimum front building line shall be in accordance with the following table:</p> <table border="1" data-bbox="398 651 1234 775"> <tr> <td data-bbox="398 651 817 775">All other land zoned R2 Low Density Residential or E4 Environmental Living</td> <td data-bbox="817 651 1234 775">6.5 metres, or established building line, whichever is the greater</td> </tr> </table>	All other land zoned R2 Low Density Residential or E4 Environmental Living	6.5 metres, or established building line, whichever is the greater	<p>The subject site is a battle-axe lot and is proposed to be built to the southern boundary with the main orientation of development facing north. The existing cliff creates a natural separation between the adjoining site to the south and ensures there are no visual or amenity impacts on surrounding development.</p>	<p>On Merit</p>
All other land zoned R2 Low Density Residential or E4 Environmental Living	6.5 metres, or established building line, whichever is the greater				
	<p><u>D12.6 Side and Rear Building Line</u></p> <p>Land zoned R2 Low Density Residential of E4 Environmental Living: 2.5 at least to one side; 1.0 for other side</p> <p>6.5 rear (other than where the foreshore building line applies)</p>	<p>A side setback of 2.9m is provided to the western boundary and a setback ranging from 0.8m to 2.56m is proposed on the eastern boundary. The minor variation to the side setback requirement is a result of the irregular shape of the subject site and the built form response to the natural characteristics of the site.</p> <p>The proposed development provides a rear setback ranging from 1.21m to 5m. The variation to the rear setback requirement is a result of the irregular shape of the subject site and the built form response to the natural characteristics of the site.</p>	<p>On Merit</p> <p>On Merit</p>		

		<p>Despite the variation to the side and rear setback requirements the proposed development achieves the outcomes of the development standard as follows:</p> <ul style="list-style-type: none"> <li>• The proposed development achieves the desired future character of the Palm Beach locality;</li> <li>• The bulk and scale of the proposed built form is minimised through the stepping of the built form down the site, compliance with the maximum building height control prescribed by the Pittwater LEP and compliance with the relevant restrictions of the site;</li> <li>• The proposal maintains existing views to and from existing dwellings and public open space areas. A detailed View loss Analysis has been provided in Section 4.3 of this report, in the Architectural Plans (<b>Appendix C</b>) and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</li> <li>• The proposed development has been sited and designed to ensure there are no visual or amenity impacts on surrounding developments; and</li> <li>• The proposal retains significant vegetation and incorporates further landscaping to ensure it integrates into the surrounding landscape.</li> </ul>	
	<p><u>D12.8 Building Envelope</u></p> <p>Buildings are to be sited within the following envelope:</p>	<p>As detailed in the Architectural provided in support of the proposal the proposed dwelling will result in a minor variation to the Building Envelope Requirement of Clause D12.8. Despite the minor variation to the building envelope</p>	<p><b>On Merit</b></p>

	 <p style="text-align: center;">STREET FRONTAGE</p> <p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.</p>	<p>requirement the proposed development achieves the outcomes of the development standard as follows:</p> <ul style="list-style-type: none"> <li>• The proposed development achieves the desired future character of the Palm Beach locality;</li> <li>• The bulk and scale of the proposed built form is minimised through the stepping of the built form down the site, compliance with the maximum building height control prescribed by the Pittwater LEP and compliance with the relevant restrictions of the site;</li> <li>• The proposal maintains existing views to and from existing dwellings and public open space areas. A detailed View loss Analysis has been provided in Section 4.3 of this report, in the Architectural Plans (<b>Appendix C</b>) and in the Heritage Impact Statement prepared by Weir Phillips Heritage and Planning provided in <b>Appendix J</b>.</li> <li>• The proposed development has been sited and designed to ensure there are no visual or amenity impacts on surrounding developments; and</li> <li>• The proposal retains significant vegetation and incorporates further landscaping to ensure it integrates into the surrounding landscape.</li> </ul>	
	<p><u>D12.10 Landscaped Area – Environmentally Sensitive Land</u></p> <p>The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.</p>	<p>A total area of 62.576% is provided.</p>	<p>✓</p>

Pittwater Development Control Plan 2014 Compliance Table – 6 Mitchell Road, Palm Beach

	<p>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</p>		
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