

2nd October 2024

Land and Environment Court Proceedings 2023/00465007
Development Application No. DA2023/10669
Supplementary Statement of Environmental Effects
Construction of shop top housing
Lot 21, DP 571298, 1112 – 1116 Barrenjoey Road, Palm Beach

This supplementary statement of environmental effects details the considered response to the issues raised in the Statement of Facts and Contentions filed by the respondent on 29 January 2024. In this regard, a number of amendments have been made to the proposal as detailed within the following without prejudice amended plans and documentation:

Amended documentation

- Architectural schedule of amendments, dated 23rd September 2024, prepared by Koichi Takada Architects.
- Amended Architectural Plans prepared by Koichi Takada Architects as nominated on the schedule of changes dated 23rd September 2024.
- Updated Architect Design Verification Statement, dated 4th July 2024, prepared by Koichi Takada Architects.
- Updated survey, Version E and dated 3rd June 2024, prepared by Beveridge Williams Registered Surveyors.
- Aboriginal Heritage response, dated 13th June 2024, prepared by Coast History and Heritage.
- Interim Aboriginal Archaeological Excavation Report, dated August 2024, prepared by Coast History and Heritage.
- Landscape plans, Revision N and dated 6th August 2024, prepared by Dangar Barin Smith.
- Updated Heritage Impact Statement, dated 2nd October 2024, prepared by Urbis.
- Geotechnical Landslide Risk Assessment, dated 19th September 2024 prepared by EIAustralia.
- Additional Geotechnical Investigation, dated 8th August 2024, prepared by EIAustralia.
- Construction Methodology Report, dated 8th August 2024, prepared by EIAustralia.
- Comments Matrix for Landscape Risk Assessment, dated 20th September 2024, prepared by EIAustralia.

- Geotechnical Statement, Groundwater Drawdown Settlement, dated 8th August 2024, prepared by EIAustralia.
- Groundwater Monitoring Report No. 1, dated 28th February 2024 prepared by EIAustralia.
- Groundwater Take Assessment, dated 8th August 2024, prepared by EIAustralia.
- Shoring and Bulk Excavation Plans, Issue 1, prepared by M+G Consulting.
- Revised Traffic and parking Assessment Report, dated 13th September 2024, prepared by Varga Traffic Planning.
- Mechanical Engineering Advice, dated 6th July 2024, prepared by Erbas.
- Floodplain Management Report, dated 6th August 2024, prepared by Van Der Meer.
- Noise Impact Assessment, dated 6th August 2024, prepared by Acoustic Logic.
- Operational Waste Management Plan, Revision H, prepared by Elephants Foot.
- Clause 4.6 variation request – Height of buildings, dated 1st October 2024, prepared by Boston Blyth Fleming Town Planners.

Proposed amendments

The proposed amendments can be summarised as follows:

Architectural Plans

- 5th storey removed and adjustment in size and detailing of roof top services area.
- Reduction in the number of apartments from 7 to 5.
- Lightwell at rear of building removed.
- Front setback increased.
- Landscaped vertical breaks have been consolidated and increased in overall width creating two distinct pavilions.
- Change to a single lift core.
- Internal layouts changed to suit the above massing changes.
- Different façade treatment to Level 3 to break up visual mass
- Carparking shortfall reduced to 1 space.
- Driveway widened to accommodate traffic island for intercom in centre.
- Residential storage relocated from basement to ground floor.
- Fixed vertical louvres added where necessary with windows facing landscaped vertical break adjusted.
- Dimensions of above grounds planter boxes increased.
- Curved elements removed from façade.
- Sandstone cladding extended added along full extent of ground floor façade.
- Driveway section added.
- Sections and height diagrams updated to show both existing ground and natural ground scenarios.

- Solar and cross ventilation diagrams updated to demonstrate all apartments meet ADG requirements.
- Excavation plan added.
- Deep soil and landscape diagrams updated which demonstrate the proposal significantly exceeds ADG and DCP requirements.
- View analysis updated to further demonstrate no view impacts to neighbouring properties.
- Adjustment to vehicular waiting bays.
- Materials board updated for new external finishes.
- Screening of roof top plant area added.

Landscape Plans

- Additional landscaping has been integrated into the building design through planters on each level to soften the visual massing of the building.
- Additional groundcovers, shrubs and canopy trees have been added to the vertical break to minimize visual impact when viewed from the waterway, road or public reserve.
- Additional groundcovers, shrubs and canopy trees have been added to vertical break
- A range of native ground covers, shrubs and trees have been added to all levels
- Updated architectural layout allows for a significantly higher integration of landscape into the built form including large canopy trees/palms.
- Planting layout and species has been reviewed to ensure not obstruction of views for properties to the rear.

Having reviewed the amended plans and documentation I am satisfied that the assessment and conclusions as contained within the Statement of Environmental Effects, dated September 2023, remain relevant to the amended proposal. That said, the following additional commentary is provided in response to a number of the contentions.

Contention 1 - Building height

Response: The architectural plans have been amended to remove the 5th floor element which reduces the overall height of the development as viewed from Barrenjoey Road. Given the topographical characteristics of the site the western edge of the Level 2 and Level 3 floor roof forms and adjacent planter boxes and balustrade breach the building height standard by up to 2.8m with the previously disturbed nature of the site contributing, in some locations, to the extent of building height breach proposed. The building height breaching elements are depicted in the plan extract at Figure 1 over page.

The acceptability of the building height breaching elements is detailed in the accompanying clause 4.6 variation request (circulated separately). I consider such request to be well-founded.

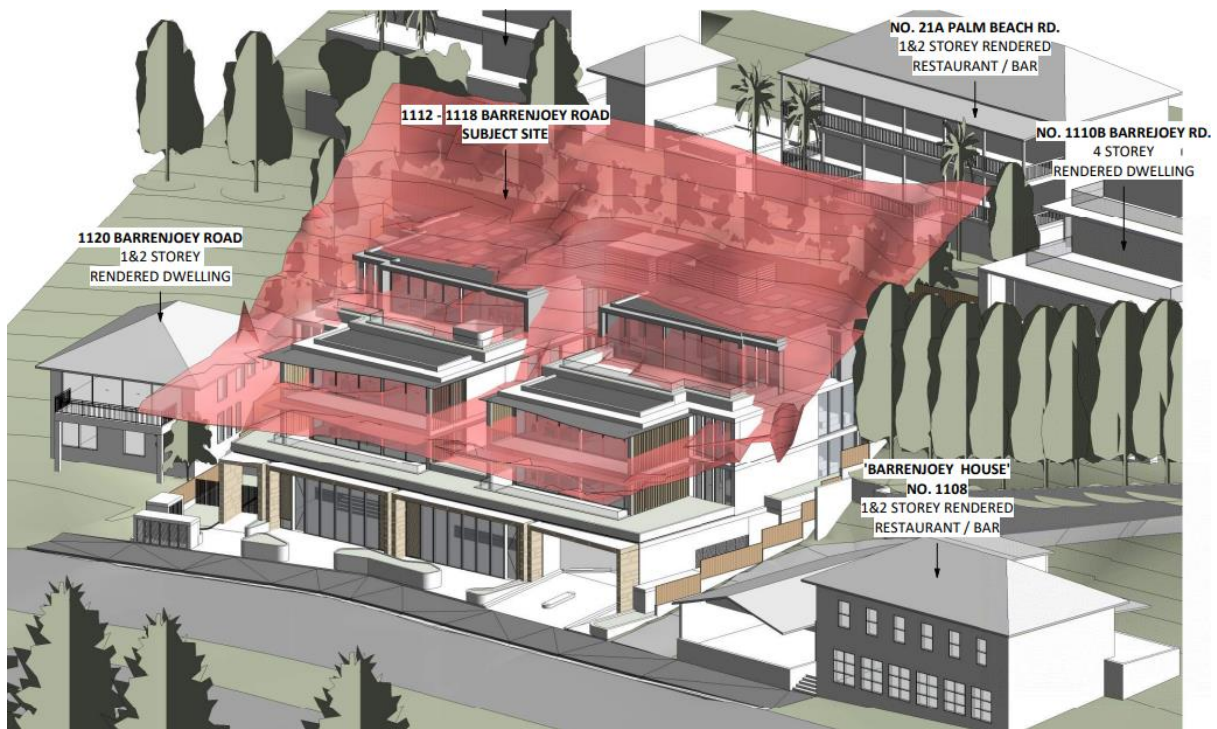


Figure 1 – Plan extract depicting the 8.5m building height plane breaching elements measured above ground level (existing) being the existing disturbed levels of the land.

Contention 2 - Character and Built Form

Response: I note that the reference to development being 2 storeys within the Palm Beach Locality statement applies to dwelling houses and not shop top housing as proposed. The applicable desired future character provision relates to medium density housing being located within and around commercial centres, future development to maintain a building height below the tree canopy and the bulk and scale to be minimised through the adoption of horizontal massing and a “seaside village” character through building design, signage and landscaping.

I have formed the considered opinion that the amended proposal is consistent with the Palm Beach Locality desired future character statement as outlined being a development that steps down the site in response to topography where the development will sit below the tree canopy level established along the escarpment which forms a backdrop to the site. The building form has been distributed across the site in a manner which provides for a distinct horizontal massing broken visually into 2 pavilions through appropriate façade articulation and modulation. The development maintains an appropriate spatial relationship with Barrenjoey House to the south of the site and the dwelling house at 1120 Barrenjoey Road to the north.

The proposal incorporates integrated landscape elements at each level and a generously proportioned outdoor seating area adjacent to the frontage of the property which contribute to the seaside village character sought by the locality statement. We note that the size and dimension of the publicly accessing forecourt area is well in excess of the 3.5m dimension anticipated by the P21DCP front setback control. The provision of 2 ground level retail shops provides appropriate activation to the Barrenjoey Road frontage and can accommodate a range of uses including cafes and restaurants able to service the needs of residents and visitors. The amended proposal is consistent with the desired character of the Palm Beach Locality in relation to architectural character, built form and landscaping and consistent with the objectives of the E1 Local Centre Zone.

Contention 3 - Setbacks

Response: The particulars are incorrect in relation to the applicable side and rear boundary setback which for development in the E1 Local Centre zone is 3m. The setbacks quoted in the contentions relate to residential flat buildings and multi dwelling housing and not shop top housing as proposed.

The proposal provides minimum 3m side and rear boundary setbacks to all primary building façades with the minor encroachments at ground level associated with access paths, bin storage and services and the Level 3 rear facing terraces not defeating the objectives associated with the setback controls including those relating to the provision of landscaping and the maintenance of appropriate visual privacy, amenity and solar access to surrounding development.

Contention 5 - Neighbour Amenity

Response: The view analysis contained on sheets A0481(F) to A0490(F) demonstrates that the proposed building will maintain a view sharing outcome with surrounding development notwithstanding the building height breaching elements proposed.

Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979 as amended, it is considered that the amended plans appropriately respond to the contentions raised and accordingly there are no matters which would prevent the granting of consent to the development sought in this instance.

Please not hesitate to contact me to discuss any aspect of this submission.

Yours faithfully

Boston Blyth Fleming Town Planners

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director