

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
Additions

123 Bynya Road,
Palm Beach

Suite 1, 9 Narabang Way Belrose NSW 2085

Phone: (02) 9986 2535 | Web: www.bbfplanners.com.au

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Boston Blyth Fleming Pty Ltd, 1/9 Narabang Way Belrose, NSW, 2085.

Statement of Environmental Effects

**Alterations and additions to an existing dwelling
at 123 Bynya Road, Palm Beach**

Greg Boston

B Urb & Reg Plan (UNE) MPIA
Boston Blyth Fleming Pty Ltd
(ACN 121 577 768)

Suite 1/9 Narabang Way
Belrose NSW 2085

Tel: (02) 9986 2535

June 2022

TABLE OF CONTENTS

1	Introduction.....	4
2	Site Analysis	5
2.1	Site Description and location	5
2.1.1	The Site.....	5
2.1.2	The Locality	7
3	Description of Proposed Development.....	8
3.1	Details of the proposed development.....	8
4	Statutory Planning Framework	9
4.1	Pittwater Local Environmental Plan 2014.....	9
4.1.1	Zoning.....	9
4.1.2	Height of Buildings.....	9
4.1.3	Acid Sulfate Soils.....	10
4.1.4	Earthworks.....	10
4.1.5	Essential Services	10
4.2	Pittwater 21 Development Control Plan	11
4.2.1	Palm Beach Locality	11
4.2.2	DCP Compliance Table	12
4.3	State Environmental Planning Policy (Biodiversity and Conservation) 2021	21
4.3.1	Vegetation in non-rural areas	21
4.4	State Environmental Planning Policy (Resilience and Hazards) 2021.....	22
4.4.1	Remediation of Land.....	22
4.5	Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended	22
5	Conclusion.....	27

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Anna & Niall Lenahan in support of a development application proposing alterations and additions to the existing dwelling at 123 Bynya Road, Palm Beach. The proposed works are relatively modest, providing enhanced amenity for occupants of the subject property with minimal impacts upon that of adjoining properties.

The proposed development has appropriately responded to the feedback provided by Council in the pre-lodgement minutes, with reductions to the area and width of the garage presenting to Pacific Road, including the deletion of secondary access stairs and a bathroom. The development has also been amended to remove the terrace atop of the garage, which has been replaced by landscaping.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans by Design Studio Group
- Survey by Real Serve
- Landscape Plans by Bates Landscape
- Stormwater Management Plans by ITM Design
- Geotechnical Risk Management Report by White Geotechnical Group
- Waste Management Plan
- Cost Summary Report

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and
- Pittwater 21 Development Control Plan 2012 (**P21 DCP**).

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The site has a legal description of Lot 23 in DP 572887 and is commonly referred to as 123 Bynya Road, Palm Beach. The site is slightly irregular in shape, with a 17.675m wide frontage to Bynya Road to the west, a 16.145m wide frontage to Pacific Road to the east, a maximum depth of 61.08m and a total area of 911.3m².

An aerial location photograph is at Figure 1 below.



Figure 1: Aerial photograph of the subject site

The site currently contains a two storey dwelling house, with an attached single carport and swimming pool. Vehicular and pedestrian access is available from both Bynya Road and Pacific Road. The site has a fall of approximately 8m from the upper south-western corner of the site down towards the lower north-eastern corner of the site, with a maximum slope of 28%. The physical and topographical characteristics of the site are depicted on the site survey extract at Figure 2, and the images at Figures 3 and 4.

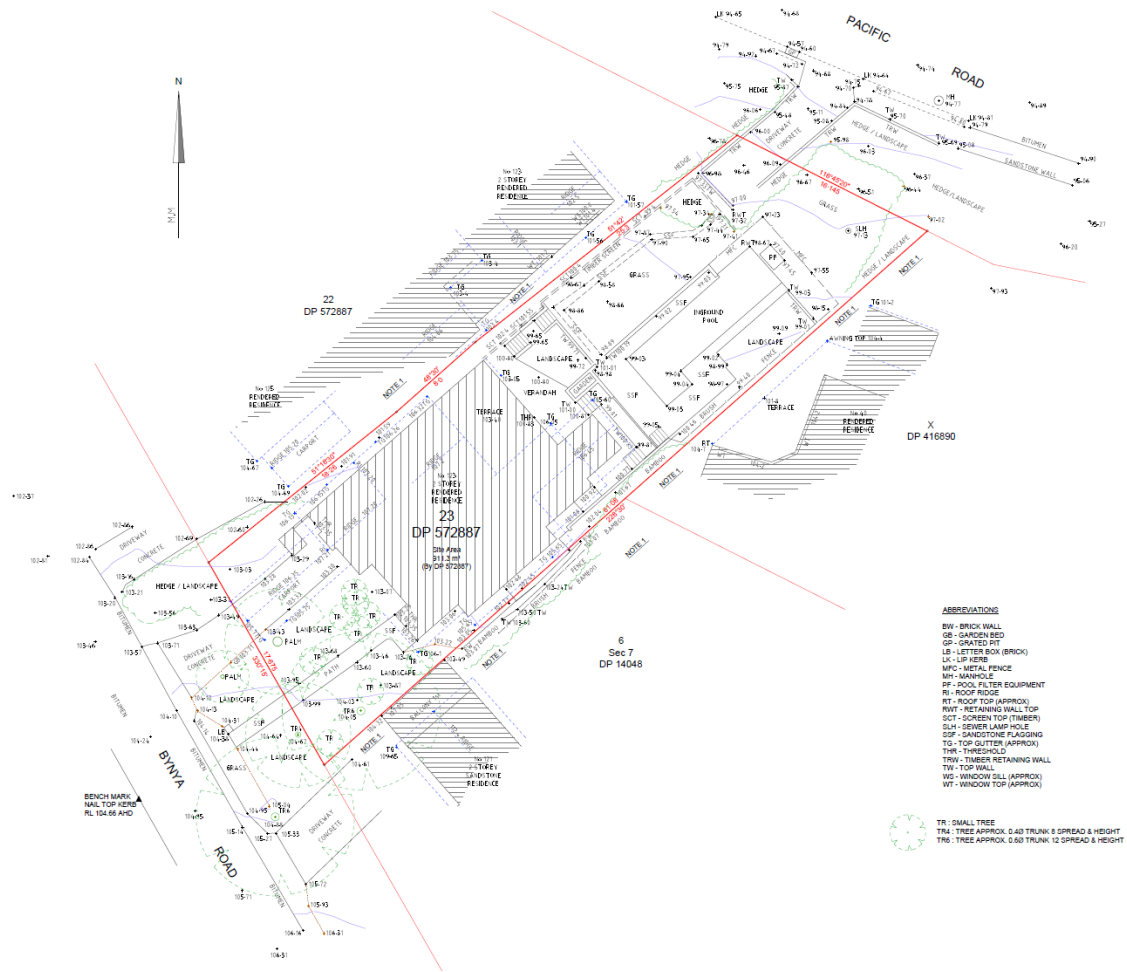


Figure 2: Extract of site survey by Real Serve



Figure 3: Subject property as viewed from Bynya Road



Figure 4: Subject property as viewed from Pacific Road

2.1.2 The Locality

The site is zoned C4 Environmental Living under the provisions of PLEP 2014. The site is surrounded by land zoned C4 Environmental Living that comprises residential development of varying age, style and character, within a vegetated setting.

An extract of the Zoning Map is provided in Figure 4, below.



Figure 4: Extract of Zoning Map

3 Description of Proposed Development

3.1 Details of the proposed development

The proposed development is depicted in the drawing set prepared by Northern Beaches Designs. Specifically, this application provides for the following works:

- A double garage fronting Pacific Road with adjacent store,
- External access stairs to Pacific Road,
- Alterations to the area around the existing swimming pool,
- A new rear deck at the lower ground level,
- Alterations to the existing ground floor rear terrace, including new access doors, privacy screens and a new roof over,
- New ensuite, WIR and bin store at western corner of the ground floor,
- Landscaping.

The proposed development provides improved amenity for the occupants of the proposed development, by virtue of enlarged and protected areas of outdoor open space, secure off-street parking and additional amenities and storage. The proposal will also provide for the enhancement of landscaping at the site, as shown on the Landscape Plans that accompany the application.

The application is also supported by a Geotechnical Risk Management Report that confirms that the proposed works can be constructed to be safe from the geotechnical hazard that affects the site. Further, Stormwater Management Plans have been produced to ensure a suitable stormwater management solution for the site.

Finally, the application is supported by a Construction and Demolition Waste Management Plan detailing how waste is to be managed during construction.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the C4 Environmental Living zone, and dwelling houses, and alterations and additions thereto, are permissible with consent.

The objectives of the C4 Environmental Living zone are as follows:

- *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.*

The proposed works are relatively modest, low-impact additions that are intended to provide enhanced amenity for occupants of the existing dwelling. The works do not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment. As such, Council can be satisfied that the proposed works are consistent with the objectives of the zone.

Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of Buildings

Pursuant to the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 8.5m.

The objectives of this control are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Building height is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The works the subject of this application are limited to a maximum height of approximately 6.75m.

4.1.3 Acid Sulfate Soils

The site is identified within Class 5 on the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

4.1.4 Earthworks

The consent authority can be satisfied that the excavation proposed to accommodate the proposed garage will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 7.2 of PLEP 2014. The application is supported by a Geotechnical Risk Management Report and Stormwater Management Plans, which demonstrate that the development has been designed, sited and will be constructed to minimise risk and achieve consistency with Council's requirements.

4.1.5 Essential Services

Pursuant to clause 7.10 of PLEP 2014, 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:

- (a) *the supply of water,*

- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

The consent authority can be satisfied that these services will be available prior to occupation, and if necessary, conditions of consent can be imposed in this regard.

4.2 Pittwater 21 Development Control Plan

4.2.1 Palm Beach Locality

The site is located within the Avalon Beach Locality, which is described as follows:

Until the early 1900s, the locality remained a tiny settlement of isolated farms and fishermens cottages. In 1912, land was subdivided and Palm Beach became a popular holiday destination, its popularity increasing with the development of the Palm Beach Golf Course in 1920. The Barrenjoey peninsula remained a popular camping area until it was closed in the 1960s. Residential development and permanent occupation of dwellings increased from the 1960s, although the area still remains a secluded peninsula at the northern point of Pittwater. Barrenjoey Headland at the northernmost point of Pittwater was host to a Customs House from 1843, and Barrenjoey Lighthouse from 1881, which remains today.

Since that time, the locality has developed into a predominantly low-density residential area, with dwellings built along the ridges, slopes and lowlands. The locality is characterised mainly by two-storey dwelling houses on 750-1,400 square metre allotments , with allotments of 550-650 square metres (some smaller blocks may exist) adjoining the waterfront to the west. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. In the vicinity of Ocean Rd, the informal and casual nature of the parking carriageway and pedestrian pathway adds to the relaxed beach character of the locality and should be retained. Medium density housing concentrates around the Palm Beach neighbourhood retail centre on Barrenjoey Road.

Residents and visitors are attracted to the Palm Beach Locality by its natural beauty, by the relatively unspoilt nature of the region and by the relaxed seaside atmosphere of the locality. To the west is the Pittwater waterway, to the east the ocean beaches and headlands, with a spur running north south ending in a bluff at the sand isthmus that ties Barrenjoey Headland to the mainland. Here it is an easy walk over the sand dunes from the protected water of Pittwater to the ocean beach. Due to the topography, significant views can be obtained through all points of the compass. Conversely, the slopes and ridge tops of the locality are visually prominent.

The locality is serviced by two neighbourhood retail centres at the intersect of Barrenjoey Road and Iluka Avenue, opposite the public wharf, Ocean Road; and the intersection of Whale Beach Road and Surf Road, where the bus service terminates. The public wharf provides a vital link for the Upper Western Foreshore communities, as well as a regular ferry service to these communities and further afield including Patonga and Gosford. The locality also contains Barrenjoey Lighthouse, Palm Beach RSL, Palm Beach SLSC, and recreational facilities including Palm Beach Golf Course, rock baths, beaches, Governor Phillip Park, McKay Reserve and other reserves.

Barrenjoey Lighthouse, remnants of Customs House, houses, vegetation, and other structures in the vicinity of Barrenjoey Headland, Barrenjoey Road, Bynya Road, Florida Road, Ocean Road, Northview Road, Palm Beach Road, Pacific Road, Sunrise Road, and beach and waterfront reserves, indicative of early settlement in the locality, have been identified as heritage items. Land in Florida Road, Ocean Road, and Sunrise Road, indicative of early subdivision patterns and built form, have been identified as heritage conservation areas.

The Palm Beach locality gives the impression that much of the native vegetation has been retained. Bushland reserves predominate. Native plants proliferate in private gardens. The natural fall of the land has been preserved in most cases with retaining walls and terracing kept to a minimum. A few poor exceptions to this are located at the northern end of Ocean Road. The retention of the natural features and native plants within private gardens should be encouraged, and help to reinforce the natural beauty of the area the main characteristic of the locality.

The natural features of the locality result in a high risk of bushfire, landslip, flood, coastal (bluff) hazard, and estuary wave action and tidal inundation.

The major roads within the locality are Barrenjoey Road, Florida Road, Ocean Road, and Whale Beach Road. Barrenjoey Road is the primary access road from the south. Several pedestrian links and pathways exist within the locality.

4.2.2 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
Part B General Controls			
B4.5 Landscape and Flora and Fauna	Development shall result in no significant onsite loss of canopy cover or a	The proposed development does not result in any impacts upon existing vegetation.	Yes

Control	Requirement	Proposed	Compliance
Enhancement Category 3 Land	net loss in native canopy trees.		
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's <i>Water Management for Development Policy</i> .	The application is supported by Stormwater Management Plans which demonstrate consistency with Council's <i>Water Management for Development Policy</i> .	Yes
B6.1 Access Driveways and Works on the Public Road Reserve	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.	The application proposes to widen the existing driveway to Pacific Road. The upgraded access driveway has been designed in a manner that is consistent with Council's requirements.	Yes
B6.2 Internal Driveways	The design of all Internal Driveways and ramps shall be in accordance with the current edition of the following Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Off-Street Car Parking.	Existing driveway to Bynya Road is to remain unchanged.	Yes
B6.3 Off-Street Vehicle and	2 spaces (min.)	3 spaces	Yes

Control	Requirement	Proposed	Compliance
Parking Requirements			
B8.1 Construction and Demolition - Excavation	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report by White Geotechnical Group.	Yes
B8.3 Construction and Demolition – Waste Minimisation	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.	The application is supported by a Construction and Demolition Waste Management Plan.	Yes
C1 Design Criteria for Residential Development			
C1.1 Landscaping	A built form softened and complemented by landscaping. Landscaping that reflects the scale and form of development.	The application is supported by detailed Landscaped Plans demonstrating an enhancement of landscaping across the site.	Yes
C1.2 Safety and Security	The development is to be designed in accordance with the four CPTED principles.	The dwelling house provides appropriate casual surveillance of the street, with visitors able to be seen before opening the door.	Yes
C1.3 Views	All new development is to be designed to achieve a reasonable	Upon review of the plans and the context of the subject site, the proposed works are	Yes

Control	Requirement	Proposed	Compliance
	sharing of views available from surrounding and nearby properties.	unlikely to result in any impacts to existing views.	
C1.4 Solar Access	The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	The application is supported by solar access diagrams, demonstrating that the proposal will not result in any unreasonable overshadowing of neighbouring properties. Furthermore, adequate levels of solar access are to be maintained to the existing dwelling.	Yes
C1.5 Visual Privacy	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 (measured from a height of 1.7 metres above floor level).	The proposed development provides for the enhancement of privacy between properties, with a new screen introduced along the north-western elevation of the ground floor rear terrace. Boundary fencing will maintain appropriate privacy at the lower ground level and within the rear yard.	Yes

Control	Requirement	Proposed	Compliance
C1.6 Acoustic Privacy	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.	The proposed development is unlikely to result in any adverse acoustic privacy impacts. A new plant room is proposed adjacent to the garage to house the swimming pool pump and equipment.	Yes
C1.7 Private Open Space	Minimum 80m ² 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.	Occupants of the dwelling have ample area of private open space, in excess of 80m ² .	Yes
C1.17 Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	New swimming pool fencing is proposed, consistent with the provisions of the Swimming Pools Act.	Yes
Part D1 Palm Beach Locality			
D12.1 Character as viewed from a public place	The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence	The application proposes a double garage with a nil setback to Pacific Road. Whilst inconsistent with the provisions of this control that prescribe that garages should	No Acceptable on merit

Control	Requirement	Proposed	Compliance
	and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported. The bulk and scale of buildings must be minimised. Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser. Conceal services.	be setback behind the front building line and preferably behind the dwelling house, the proposed development is consistent with the variation of the front building line control which provides for parking structures forward of the front building line on sloping sites. The visual impact of the proposed garage has been reduced in response to feedback from Council in the pre-lodgement minutes and is appropriately minimised. Landscaping is maintained to either side and is proposed on top of the garage, to assist in softening the visual impact of the development as seen from Pacific Road.	
D12.3 Building Colours	Dark and earthy tones	The proposed works will be finished in dark and earthy materials to blend with the existing dwelling.	Yes
D12.5 Front Building Line	6.5m Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary	<u>Bynya Road</u> 5.35m to Bynya Road The setback of the dwelling to Bynya Road remains unchanged, with the new	No Acceptable on merit

Control	Requirement	Proposed	Compliance
	street of half the front building line. Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable. Outcomes: • <i>Achieve the desired future character of the Locality.</i> • <i>Equitable preservation of views and vistas to and/or from public/private places.</i> • <i>The amenity of residential development adjoining a main road is maintained.</i> • <i>Vegetation is retained and enhanced to visually reduce the built form.</i> • <i>Vehicle manoeuvring in a forward direction is facilitated.</i> • <i>To preserve and enhance the rural and bushland character of the locality.</i> • <i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the</i>	works in the north-western front corner of the dwelling to replace existing structures. Further, the new works are partially located below the existing carport, which has a nil setback to Bynya Road. As such, the proposed additions will not be perceived to be non-compliant (as they are further setback than other existing structures). <u>Pacific Road</u> Nil to Pacific Road The proposed new garage is sited with a nil setback to Pacific Road. The setback is limited to the double garage and access stairs, with the proposed plantroom setback 3.25m from the secondary street frontage to allow for the retention of deep soil landscaping across the eastern side of the Pacific Road frontage. The siting of the proposed garage is consistent with the two expressed variations associated with parking on sloping sites and secondary street frontages. The application of these variations is considered to be appropriate as the outcomes are nonetheless achieved, as follows: • The siting of the garage does not detract from consistency with the desired	

Control	Requirement	Proposed	Compliance
	<i>height of the natural environment.</i> <i>To encourage attractive street frontages and improve pedestrian amenity.</i> <i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.</i>	character of the Palm Beach Locality. - The siting of the garage does not result in any adverse impacts to views. - Vegetation is retained and enhanced to minimise the visual impact of the development, as demonstrated on the supporting Landscape Plans. - The proposed development positively contributes to the streetscape. - Whilst forward movement is not achieved, it is not required in this instance, as the site does not meet the criteria prescribed by clause B6.2 of P21 DCP.	
D1.9 Side and Rear Building Lines	1m to one side, 2.5m to the other. Note: Retaining wall and side access steps/pathways are permitted within the side setback.	North-western side boundary: 1.2m – 2.25m South-eastern side boundary: 2.6m	Yes
D1.11 Building envelope	Development is to be maintained below planes projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.	The proposed new roof over the upper floor terrace projects beyond the prescribed building envelope. The breach is associated with a lightweight, open structure that provides shade/weather protection to the existing upper floor rear deck.	No Acceptable on merit

Control	Requirement	Proposed	Compliance
		The minor non-compliance does not result in any adverse impacts upon the amenity of adjoining properties and does not detract from consistency with the outcomes of this control. As such, the minor non-compliance is supportable on merit.	
D1.14 Landscaped Area – Environmentally Sensitive Lane	60% minimum • <i>Achieve the desired future character of the Locality.</i> • <i>The bulk and scale of the built form is minimised.</i> • <i>A reasonable level of amenity and solar access is provided and maintained.</i> • <i>Vegetation is retained and enhanced to visually reduce the built form.</i> • <i>Conservation of natural vegetation and biodiversity.</i> • <i>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</i> • <i>To preserve and enhance the rural and bushland character of the area.</i> • <i>Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and</i>	Existing: 414.59m² or 45.49% Proposed: 408.87m² or 44.86% The proposed development results in a minor reduction to the landscaped area of the site, as shown on the Landscape Site Calculations Plan. The scope of the proposed development has been reduced in response to the feedback provided by Council in the pre-lodgement minutes, with the retention of a greater area of deep soil landscaping at the Pacific Road frontage of the site and the enhancement of landscaping atop of the proposed garage. The proposed variation to the landscaped area control is supportable on merit, as the outcomes of the control are otherwise achieved, as follows: • The landscaped area non-compliance does not detract from the desired character of the Palm Beach Locality.	No Acceptable on merit

Control	Requirement	Proposed	Compliance
	<i>assist with stormwater management.</i>	• The bulk and scale of the proposed development is appropriately minimised, with a narrowed presentation to Pacific Road that is softened by landscaping. • The proposed development does not result in any adverse impacts to neighbouring properties with respect to solar access, privacy or views. • Stormwater Management Plans accompany the application to demonstrate that a suitable stormwater management solution will be achieved. • Soft surface areas are maximised by virtue of the incorporation of plantings atop of the proposed garage. • The development will be secondary to landscaping as seen from both Bynya Road and Pacific Road.	

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.3.1 Vegetation in non-rural areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not seek consent for the removal of any existing trees or vegetation and is consistent with the requirements and objectives of Chapter 2 of SEPP (Biodiversity and Conservation).

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.4.1 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time with no prior known land uses. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

4.5 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

(iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

(iiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

(iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

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

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*

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

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

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

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*

- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna.

Waste Collection

The proposed development provides appropriate onsite waste storage, will waste to be collected from the street weekly by Council's contractors.

Natural hazards

N/A

Economic Impact in the locality

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

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

- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

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

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

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

(d) *Any submissions received in accordance with this act or regulations*

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) *The public interest*

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed development responds positively to the desired future character of the Palm Beach Locality and is appropriately located on the site. The works will provide improved amenity for occupants of the dwelling, without any adverse impacts upon the amenity of adjoining residences.

The proposed development has appropriately responded to the feedback provided by Council in the pre-lodgement minutes, with reductions to the area and width of the garage presenting to Pacific Road, including the deletion of secondary access stairs and a bathroom. The development has also been amended to remove the terrace atop of the garage, which has been replaced by landscaping.

The proposed development results in non-compliance with the front setback and building envelope controls and the marginal intensification of the existing landscaped area non-compliance. These non-compliances have been acknowledged and appropriately justified having regard to the outcomes of the controls. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', written over a horizontal line.

Greg Boston

Director

