

STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a New
Dwelling

1168 Barrenjoey Road,
Palm Beach

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application proposing the construction of a new dwelling at 1168 Barrenjoey Road, Palm Beach.

The proposed new dwelling is a superior architectural design that is appropriately responsive to the constraints of the site, the desired future character of the Palm Beach Locality and has regard for the surrounding heritage items. The proposed new dwelling provides a high level of amenity for future occupants of the dwelling, with minimal impact upon the amenity of adjoining properties, the natural environment or the significance of heritage items located within the vicinity of the site.

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

- Architectural Plans by Luigi Rosselli Architects
- Survey by CMS Surveyors
- Heritage Impact Statement by John Oultram Heritage and Design
- Landscape Plans by Karen Ruthven Landscape Architecture
- Stormwater Management Plans by Acor Consultants
- Arboricultural Impact Assessment Report by Jacksons Nature Works
- Geotechnical Report by Crozier Geotechnical Consultants
- BASIX Certificate by Partners Energy
- Waste Management Plan

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 identified non-compliances with the front setback and building envelope controls have been acknowledged and appropriately justified. 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.

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 1 in DP 332220 and is commonly referred to as 1168 Barrenjoey Road, Palm Beach. The site is rectangular in shape with a 20.115m wide frontage to Barrenjoey Road and a depth of 45.79m. The site has a total area of 921.1m².

An aerial location photograph is at Figure 1 below.



Figure 1: Aerial photograph of the subject site

The site is currently development with a single dwelling. It is located on the high southern side of Barrenjoey Road with the topography rising steeply from street level to the rear boundary. The levels vary between RL 45.5m to the southwest corner and RL 18.5m to the northern side of the site. Substantial rock outcrops are located behind the existing dwelling.

The physical and topographical characteristics of the site are depicted on the site survey, with the condition of the canopy trees and vegetation identified in the Arboricultural Impact Assessment Report by Jacksons Nature Works.

The site is located within Geotechnical Hazard Area H1 and is subject to landslip as well as being within a terrestrial biodiversity area.



Figure 2: The subject property as viewed from Barrenjoey Road

2.1.2 The Locality

The site is zoned C4 Environmental Living under the provisions of PLEP 2014, as shown on the extract of the Zoning Map at Figure 3, on the following page. Land to either side of the subject site, and that on the opposite side of Barrenjoey Road is also zoned C4 Environmental Living and comprises dwelling houses of varied architectural style and age. Heritage items are identified within the immediate vicinity and a heritage impact assessment has been provided.

3 Description of Proposed Development

3.1 Details of the proposed development

The existing dwelling and associated structures are proposed to be demolished. The demolition and construction of the new dwelling is depicted in the Architectural plans prepared by Luigi Rosselli Architects. Specifically, this application provides for:

- Construction of a new dwelling comprising:
 - Garage Level: Covered driveway, double garage with turning bay, bin storage, entry, internal stair and lift access. New stone retaining wall to west of the garage entry.
 - Level 2 – storage/plant: Plant and storage spaces, internal stair & lift connection
 - Lower Ground/Level 3: Rumpus, bedroom, wellness/meditation space, bathroom, internal stair & lift connection
 - Ground Floor/Level 4: Open plan kitchen/living/dining with access to front balcony and rear courtyard, laundry, powder room, internal stair & lift connection
 - First floor/Level 5: 3 Bedrooms including master with WIR and ensuite and Bed 3 including ensuite, additional bathroom. internal stair & lift connection
- Landscaping, and
- Infrastructure.

The architectural plans are complemented by a high-quality landscape design, as shown on the Landscape Plans provided.

Stormwater Management Plans demonstrate a suitable water management solution for the site, consistent with Councils' Water Management Policy.

The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants that confirms that the proposed works can be constructed to be safe from the geotechnical hazard that affects the site.

An Arboricultural Impact Assessment Report has been prepared by Jacksons Nature Works to outline the extent of tree removal proposed, with recommendations for the safe retention of trees in the vicinity of the works.

A BASIX Certificate supports the application confirming that the building performs well with regard to sustainability and meets and/or exceeds relevant industry standards.

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 are permissible with consent.

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

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment: The proposed development is of a form and scale that is compatible with the surrounding urban environment and is an appropriate contextual fit in the streetscape. The proposal does not result in any adverse impacts upon the natural environment, with a high-quality landscaped outcome that will soften and screen the built form as seen from the public domain.

The application is supported by a Geotechnical Report to confirm that the excavation can be undertaken safely, and the arborist report concludes that the impacts upon existing vegetation are acceptable.

The extent of excavation is entirely consistent with that associated with contemporary dwellings on sloping sites throughout the Northern Beaches Locality, including those within the C4 Environmental Living zone.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment: The proposed development is highly articulated and its footprint largely confined to the existing footprint of the dwelling to be demolished. The development is to be finished in earthy tones and materials to ensure that it blends with the surrounding natural environment and will be secondary to surrounding and nearby landscaping. The proposed development is entirely commensurate with surrounding built form and will not have an adverse impact upon the special values of the site.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment: The proposed development comprises a single dwelling house that is integrated into the slope of the land. The scale of the development is consistent with the desired future character of the Palm Beach Locality and is compatible with surrounding and nearby development.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment: The proposed development seeks to minimise the net loss of vegetation across the site, with a new integrated landscaping regime. Remediation works will be undertaken with regard to invasive species currently existing on site.

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 clause 4.3(2) and the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 8.5m.

The dwelling is compliant with the 8.5 metre height standard with the exception of the proposed chimney which is specifically excluded from the building height definition and therefore an allowable encroachment.

As proposal is compliant with the numerical building height (as defined) standard it is also deemed to comply the associated objectives.

4.1.3 Heritage Conservation

Pursuant to clause 5.10 the subject site is not identified as a heritage item nor within a heritage conservation area however it is in proximity to local heritage items at 1170 Barrenjoey Road (Collins House) and 50 & 50B Sunrise Road (Windybridge House). As such, a heritage impact assessment has been provided with this application. The report concludes that:

The proposed dwelling is well articulated and scaled and uses appropriate materials and details. It will have a very limited impact on the heritage items in the vicinity and maintains a garden setting to the front and rear, and the exposed rock outcrop at the rear.

4.1.4 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.

4.1.5 Earthworks

The consent authority can be satisfied that the excavation proposed to accommodate the new dwelling 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. See further discussion with regard to clause 7.7 of PLEP 2014.

4.1.6 Biodiversity

The site is identified as “Biodiversity” on the Biodiversity Map of PLEP 2014. The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid any significant adverse environmental impact, consistent with the provisions of clause 6.7 of PLEP 2014. The accompanying arborist report confirms that the proposal requires the removal of 6 trees 3 of which have been previously approved for removal pursuant to tree removal permit TA2021/0684. All trees to be removed have a low landscape significance. Such tree removal is appropriately compensated for through the implementation of enhanced site landscape regime as detailed on the accompanying plans prepared by Karen Ruthven.

4.1.7 Geotechnical Hazards

The site is identified as being within Geotechnical Hazard H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Risk Management Report by Crozier Geotechnical Consultants that considers each of the matters prescribed by clause 7.7(3) of PLEP 2014, and confirms that the development has been design, sited and will be constructed to minimise risk, consistent with the provisions of clause 7.7(4) of PLEP 2014.

4.1.8 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 Palm 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.

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			
B3.1 Landslip Hazard	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 Crozier Geotechnical Consultants, consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
B4.2 Flora and Fauna Conservations Category 1 and Wildlife Corridor	Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees	The application is supported by a Flora and Fauna Report by GIS Environmental Consultants which confirms that proposed development does not result in any impacts upon existing significant vegetation. The report also confirms that the site is not considered an important wildlife corridor and the proposal will not isolate or fragment any patches of vegetation. The application is also supported by a Landscape Plan by Bates Landscape which demonstrates a superior landscaped treatment across the site.	Yes

Control	Requirement	Proposed	Compliance
B4.4 Flora and Fauna Habitat Enhancement Category 2 and Wildlife Corridor	Development shall not negatively impact on threatened species, endangered populations or endangered ecological communities.	The accompanying arborist report confirms that the proposal requires the removal of 6 trees 3 of which have been previously approved for removal pursuant to tree removal permit TA2021/0684. All trees to be removed have a low landscape significance. Such tree removal is appropriately compensated for through the implementation of enhanced site landscape regime as detailed on the accompanying plans prepared by Karen Ruthven.	Yes
B5.15 Water Management	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is accompanied by Stormwater Management Plans which demonstrate consistency with Council's Water Management for Development Policy.	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 proposed driveway has been designed in accordance with Council's driveway profiles. Existing retaining walls to the road reserve are to be demolished and replace with new retaining walls. New access stairs are proposed to the road reserve.	Yes

Control	Requirement	Proposed	Compliance
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.	The proposed driveway has been designed in accordance with the relevant provisions of AS2890.1. A turning bay has been provided within the garage to facilitate forward exiting to the street. Genesis traffic has provided an assessment of the design with regard to the Australian Standards and provided swept path analysis.	Yes
B6.3 Off-Street Vehicle and Parking Requirements	2 spaces (minimum)	2 spaces We note that there is currently no off-street carparking available on the site.	Yes
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 Crozier Geotechnical Consultants, consistent with Council's Geotechnical Risk Management Policy for Pittwater.	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			

Control	Requirement	Proposed	Compliance
C1.1 Landscaping	A built form softened and complemented by landscaping. Landscaping that reflects the scale and form of development.	The proposed development will result in a high-quality landscaped outcome across the site, as detailed in the accompanying Landscape Plans. The landscaping proposed will complement the new dwelling and provide addition softening and screening. The existing landscaping to the rear of the site is to be supplemented with native species as nominated on the accompanying landscape plans.	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.	Yes
C1.3 Views	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	Views to the Pittwater Waterway and the surrounding locality are available to the north and north-westerly directions. In consideration of the siting of neighbouring dwellings, it is unlikely that the proposed development will result in any adverse impacts upon views to the waterway.	Yes
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	The application is supported by Shadow Diagrams to confirm that direct sunlight will be retained to the living room windows and areas of private open space of the adjoining	Yes

Control	Requirement	Proposed	Compliance
	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).	dwellings for more than 3 hours between 9am and 3pm in midwinter, consistent with the provisions of this clause. Furthermore, the living room windows and areas of private open space of the proposed development will receive in excess of 3 hours of direct sunlight between 9am and 3pm in midwinter.	
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 comprises integrated landscape planters and privacy screens, where required. Generous side and rear setbacks provide for excellent spatial separation from neighbouring dwelling which assists in mitigating privacy impacts. The proposed development achieves an appropriate balance between the obtainment of views and privacy between properties with operable screens provided to side boundary facing windows to augment privacy as necessary.	Yes
C1.6 Acoustic Privacy	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources,	The proposed development is unlikely to result in any adverse acoustic privacy	Yes

Control	Requirement	Proposed	Compliance
	including main roads, parking areas, living areas and communal and private open space areas and the like.	impacts above that of a typical residential dwelling.	
C1.7 Private Open Space	Minimum 80m ² of private open space per dwelling at ground level, with no dimension less than 3 metres.	More than 80m ² of private open space is provided across the site.	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 proposed swimming pool has been designed and will be constructed in accordance with the relevant provisions of Swimming Pools Act 1992 and regulations.	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 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 proposed development is highly articulated and incorporates a palette of natural materials and finishes which will enable the development to blend into the reserve which forms a backdrop to the site. The new dwelling will have a similar front setback to the existing dwelling and with adjoining dwellings. Maintaining the general footprint for the new dwelling assists with maintaining the character of the local area.	Yes

Control	Requirement	Proposed	Compliance
	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.	The proposed structures are appropriately integrated into the slope of the land, with landscaping reintroduced on top to provide a green landscaped buffer between the garage structure and the main dwelling house. The width of the garage does not exceed 50% of the lot frontage and will not be excessive or overly dominant in the streetscape. The proximity of parking and access structures to the street arises due to the considerable slope of the land and does not detract from consistency with the relevant outcomes of this clause.	
D1.5 Building Colours	Dark and earthy tones	The proposed development incorporates natural materials and finishes to blend with the surrounding natural environment.	Yes
D1.8 Front Building Line	6.5m	Garage & Entrance Structure: Nil Level 4 & 5: 2.685m The site conditions do not allow for the dwelling to achieve compliance with the front setback. The topography of the site, extensive rock outcrops and biodiversity sensitivities dictate that the new dwelling should	No, Acceptable on merit

Control	Requirement	Proposed	Compliance
		constructed within the existing footprint. These variations are considered to be warranted in the circumstances of this site and as the relevant outcomes of the control are otherwise achieved: • The non-compliant front setback does not detract from consistency with the desired character of the locality considering it is reflective of the existing front setbacks on adjoining properties. • Vegetation is enhanced to the built form to ensure a softening and screening of the development. • Vehicle entry and exit in a forward manner is achieved with a turning bay within the garage. • The proposed development will positively contribute to the streetscape, with a high-quality presentation to Barrenjoey Road. • The proposed development is responsive to the existing urban environment.	
D12.6 Side and Rear Building Lines	1m to one side, 2.5m to the other. 6.5m to rear.	Every level has side setbacks in excess of the control. Compliance with rear setback achieved.	Yes

Control	Requirement	Proposed	Compliance
D12.8 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.	Minor corner elements protrude beyond the prescribed building envelope, as shown on section BB (DA13) drawing provided. The rear elevation drawing (DA09) also shows compliance with the control. These sections are of particular assistance in demonstrating that it is only the corner ends of the roof that encroach outside of the envelope despite the steep topography. We note that the dwelling is largely compliant with the 8.5m development standard, generous side setbacks have been provided and a highly articulated form do not give rise to any unreasonable bulk and scale. Clause D12.8 of P21 DCP provides that variations will be considered on merit where the building footprint is situated on a slope in excess of 30%. The application of this variation is warranted as the land below the footprint of the building exceeds 30%, and as the non-compliance does not detract from consistency with the outcomes of the building envelope control. Specifically, despite non-compliance with the envelope prescribed, the development is maintained below the height of surrounding canopy trees and is of a bulk and scale that	No, Acceptable on merit

Control	Requirement	Proposed	Compliance
		is contextually appropriate. The development is highly articulated, with shading devices and varied materiality, to ensure that bulk and scale is minimised. Furthermore, the non-compliance does not result in any unreasonable or adverse impacts upon the amenity of adjoining properties.	
D1.14 Landscaped Area – Environmentally Sensitive Land	60% minimum	>60% achieved	Yes
D1.17 Construction, Retaining Walls, Terracing and Undercroft Areas	Retaining walls and terracing shall be kept to a minimum. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.	New retaining walls are proposed to the road reserve and will be constructed from sandstone. It is considered that this would represent an enhancement of the streetscape when viewed from a public place.	Yes

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 accompanying arborist report confirms that the proposal requires the removal of 6 trees 3 of which have been previously approved for removal pursuant to tree removal permit TA2021/0684. All trees to be removed have a low landscape significance. Such tree removal is appropriately compensated for through the implementation of enhanced site landscape regime as detailed on the accompanying plans prepared by Karen Ruthven.

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

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, with waste to be collected from the street weekly by Council's contractors.

Natural hazards

The application is supported by technical reports addressing the natural hazards that affect the site.

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 a high level of amenity for occupants of the dwelling, without any adverse impacts upon the amenity of adjoining residences or the natural environment.

The identified non-compliances with the front setback and building envelope controls have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the 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', is written over a horizontal line.

Greg Boston

Director