

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Demolition of Existing Building and
Construction of a New Dwelling House at

**No. 121 Pacific Road, Palm
Beach**

Prepared for:

Kede Carboni

c/o Daniel Boddam Architecture

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November 2021

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Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CMP	Construction Management Plan/Conservation Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPiE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OC	Occupation Certificate
OSD	On-Site Detention
PCA	Principal Certifying Authority
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services (see TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TfNSW	Transport for New South Wales
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
ZFDTG	Zero Fort Denison Tide Gauge (0.925 below AHD)

1.0 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Kede Carboni by George Karavanas Planning Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

This SEE is to accompany a development application to the Northern Beaches Council for demolition of the existing building and construction of a new two storey dwelling house, garage, carport, swimming pool and cabana at No. 121 Pacific Road, Palm Beach.

Designed by Daniel Boddam Architecture and Interior Design, the proposal will revitalise the site by replacing the existing run down dwelling house with an elegant contemporary dwelling house that complements surrounding development in the locality. The dwelling house will appear as single storey to the street and will be two storeys with a stepped appearance from the rear as a result of the site's sloping topography. The dwelling house has been orientated to respond to the natural topography of the site and to maximise views of Palm Beach. The proposal will provide generous landscaping in the front and rear setbacks to maintain the leafy character and setting of Palm Beach.

The site was the subject of a development approval for a new dwelling house (DA2020/0133). The proposal will have a similar built form for the main dwelling, but will have a lower flat roof form, and additional architectural elements in the rear to enhance internal and external amenity.

In our opinion, the proposed development satisfies the relevant zone objectives in the Pittwater Local Environmental Plan (LEP) 2014 and Pittwater Development Control Plan 21 (DCP) 2014. The proposal complies with the development standards of minimum lot size and the majority of the built form complies with the building height development standard of the LEP. Where there is a minor breach within one small area of the roof, this is a function of the topography and is supported in a Clause 4.6 Justification submitted separately. The proposal also complies with the majority of controls under the DCP including setbacks, landscaping, building colours and materials, heritage conservation, safety and security, view sharing and visual and acoustic privacy. As important, the built form of the proposal is contextually appropriate and will not create unreasonable impacts on surrounding development.

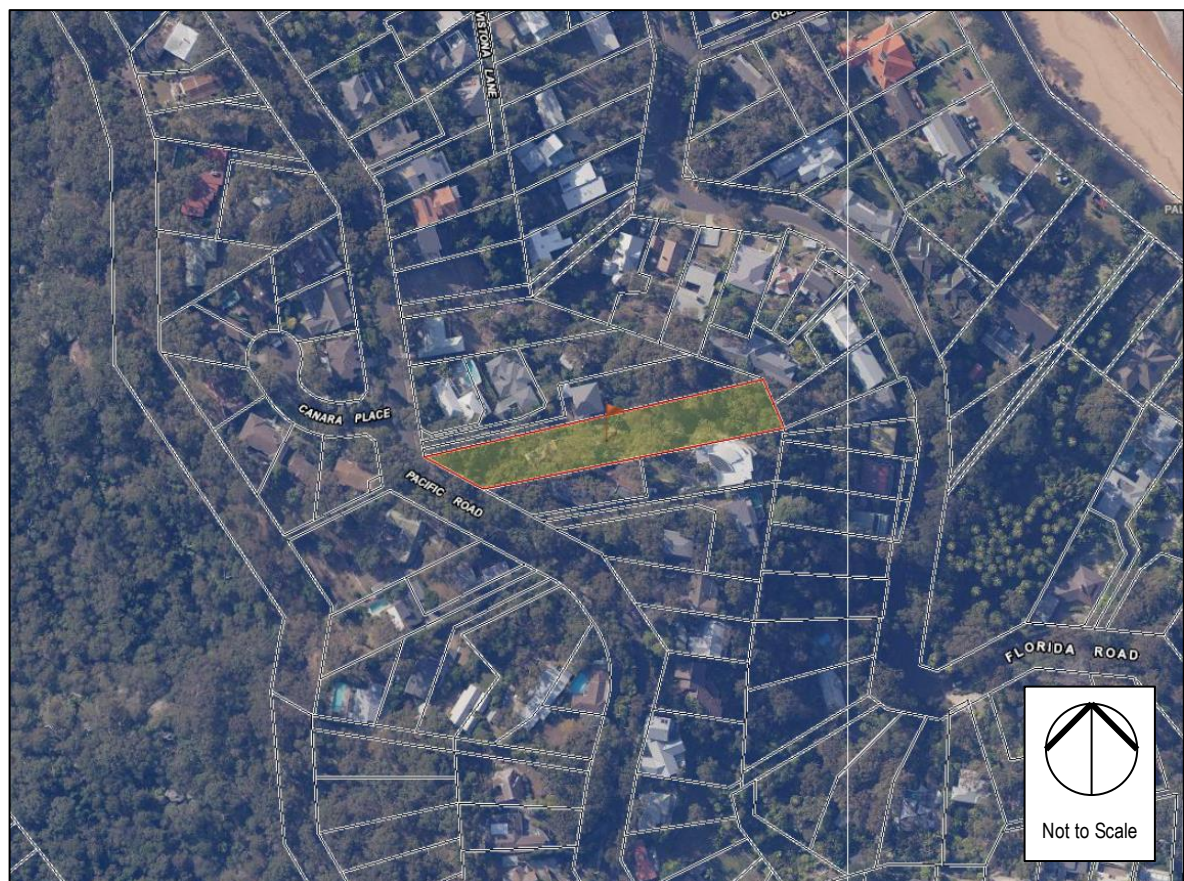
This document is divided into six sections. Section 2 contains a site analysis, Section 3 provides details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act), and Section 6 concludes the report.

2.0 SITE ANALYSIS

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping; and Existing Character and Context.

2.1 The Locality

The subject site is located approximately 44km north of the Sydney CBD, 5.4km from the Avalon town centre and is located within the Local Government Area (LGA) of the Northern Beaches (see **Figure 1**).



Source: Source: SIX Maps

 **Subject Site**

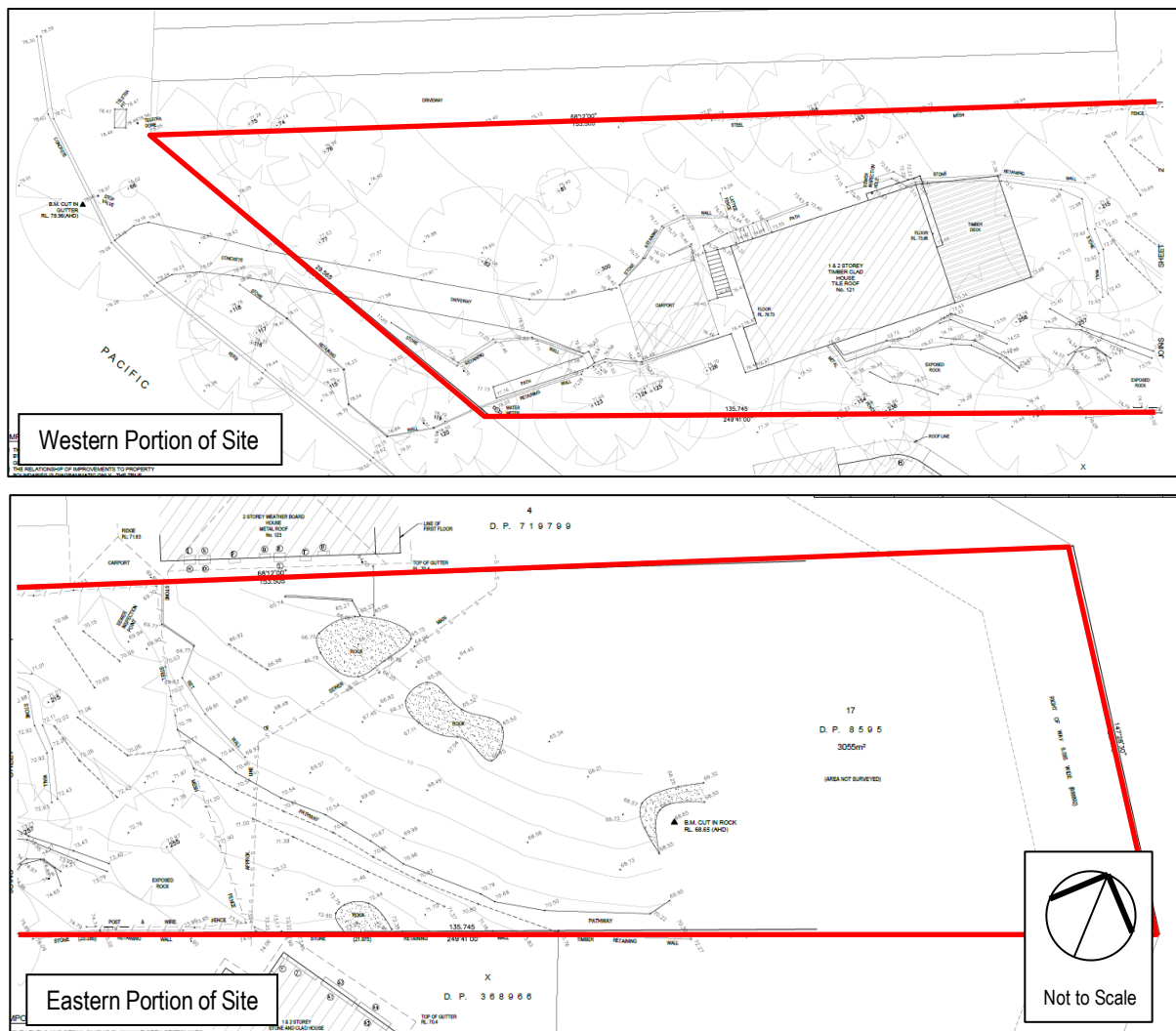
Figure 1: Location Plan

2.2 Site Description

The subject site is located on the eastern side of Pacific Road, between Barrenjoey Road and Florida Road and is known as No. 121 Pacific Road, Palm Beach, described as Lot 17 in DP 8595.

The site is an irregular parcel of land, with a northern boundary of 153.505 metres, an eastern boundary of 23.475 metres, a southern boundary of 135.754 metres, and a western frontage to Pacific Road of 29.565 metres, providing a total site area of 3,055m² (see Figure 2 and Survey Plan separately submitted).

The site has a north west to south east fall of 0.62 metres (AHD 77.88 to AHD 77.26) along Pacific Road. The site has a steep fall of 4.89 metres (AHD 77.32 to AHD 72.43) across the middle of the site from south the north. The site also has a cross fall of 11.44 metres from the front of the site to an existing fence that runs across the entire rear of the site. The site slopes further down toward the north within the rear portion, however part of the site has not been completely surveyed.



Source: Mepstead & Associates

Subject Site

Figure 2: Survey Plan

2.3 Existing Built Form and Landscaping

The site is occupied by a part one part two storey timber clad dwelling house with a hipped tiled roof. The dwelling appears as one storey to the street and two storeys when viewed from the rear as a result of the sites sloping topography. The existing house is setback substantially from the front boundary to Pacific Road. The rear of the dwelling is articulated as a result of timber decking at the ground level and a balcony at the first floor level which are both orientated to capture views to the north and north east.

The ground floor level comprises the living areas, kitchen and bathroom, whilst the first floor level has the bedrooms. The existing dwelling has a Ground Floor Area (GFA) of approximately 210m².

The site comprises a long 2m wide driveway which widens to 5m and terminates a carport attached to the dwelling house. The carport provides off street parking for two cars (see Photograph 1). A large timber deck is located at the rear of the dwelling at ground level and a smaller deck is located at the first floor level to maximise views to Palm Beach (see Photograph 2).

The site comprises vegetation and landscaping in the front and rear setbacks which contributes to the leafy character of Pacific Road



Photograph 1: The subject site, as viewed from Pacific Street



Photograph 2: The subject site, as viewed from the rear

2.4 Existing Character and Context

Development in the surrounding area comprises predominately one, two and three storey dwelling houses of varying architectural styles and ages. There are a large number of contemporary dwellings in the vicinity of the subject site with most designed to relate to the steep topography of Palm Beach and to capitalise on wide ranging views of Palm Beach.

Development to the North

To the north of the site is a driveway which services Nos. 123, 125 and 125A Pacific Road. To the north of the driveway is No. 123 Pacific Road, a part one part two storey dwelling house not easily visible from the street and due to the slope in topography the roof structure is the most visible element from the site. Also to the north is No. 125 Pacific Road, a part one part two storey metal clad dwelling house with an attached garage and detached stone shed. The site is not easily visible from the street and is accessible via a long driveway on the southern boundary of the site (see **Photograph 3**). Further to the north is No. 125A Pacific Road is a part one part two storey metal clad dwelling house with a metal roof and a swimming pool in the rear setback. This site is visible from the street (see **Photograph 4**).



Photograph 3: No. 125 Pacific Road, as viewed from the subject site



Photograph 4: No. 125A Pacific Road, as viewed from Pacific Road

Development to the East

To the east of the site is No. 65 Florida Road, a two storey timber clad dwelling house accessible via a steep driveway which is located behind a heavily vegetated area (see **Photograph 5**). Also to the east is No. 63 Florida Road, a part two part three storey dwelling house above a detached double car garage (see **Photograph 6**).



Photograph 5: No. 65 Florida Road, as viewed from Florida Road



Photograph 6: No. 63 Florida Road, as viewed from Florida Road

Development to the South

To the south of the site is No. 119 Pacific Road, a two storey weatherboard dwelling house with an attached carport (see **Photograph 7**). Also to the south is No. 117 Pacific Road, a part one part two storey stone cottage (see **Photograph 8**).



Photograph 7: No. 119 Pacific Road, as viewed from Pacific Road



Photograph 8: No. 117 Pacific Road, as viewed from the rear of the subject site

Development to the West

To the west of the site is No. 120 Pacific Road, a one storey rendered brick dwelling house with a tiled roof (see **Photograph 9**). Also to the west is No. 122 Pacific Road, a two storey brick dwelling house set back behind landscaping and a front driveway (see **Photograph 10**).



Photograph 9: No. 120 Pacific Road, as viewed from Pacific Road



Photograph 10: No. 122 Pacific Road, as viewed from Pacific Road

3.0 THE PROPOSAL

This section will describe the following: Background to the Proposal; The Built Form and Land Use; Height; Gross Floor Area and Floor Space Ratio; Landscaping, Private Open Space and Balconies; Access and Parking.

3.1 Background to the Proposal

In 2020, a Development Application (DA) was lodged with Northern Beaches Council for demolition of the existing structures on the site, and construction of a new dwelling, driveway, swimming pool and landscape works (DA2020/0133). The proposal had a single storey pitched roof appearance from the street, and two storeys from the rear (see **Figure 3**). The proposal complied with the majority of the built form controls, and only a small portion had a maximum height that breached the LEP development standard by 6.35%. This was supported in a Clause 4.6 Justification, which was considered adequately addressed by Council in its assessment report. On 28 July 2020, Council granted deferred development consent, subject to a number of conditions.



Source: Daniel Boddam Architecture & Interior Design

Figure 3: 3D Images – Front and Rear of Approved DA No 2020/0133

3.2 Built Form and Land Use

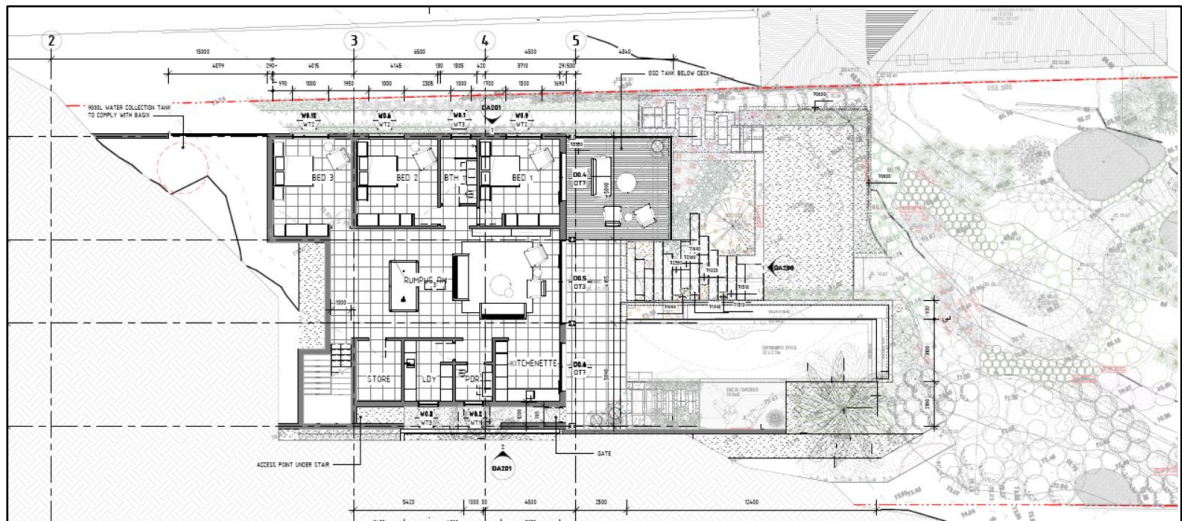
It is proposed to demolish the existing building and to construct a new two storey dwelling house with attached garage, separate carport, separate bedroom pavilion, swimming pool and landscaping works. The proposal comprises living spaces and five bedrooms within the main dwelling and two bedrooms within the separate pavilion, and a total gross floor area (GFA) of 591m².

Due to the sloping topography, the dwelling will have a stepped built form and appear as a single storey when viewed from Pacific Road and two storeys when viewed from the rear. The proposal is contemporary in style with flat roofs pitched roofs and a mix of timber, sandstone cladding slimline bricks and painted render to the walls to create a more natural aesthetic. The proposal will have generous setbacks to Pacific Road and adjoining properties, and will be well modulated with varying setbacks at the front and terraces at the rear. The proposal will provide a rational layout which will be oriented to maximise views of Palm Beach.

A floor by floor description is provided below. Further details of the proposed development are contained in the architectural drawings, separately submitted.

Basement Floor Level

The Lower Ground Floor Level is located to the east of the main dwelling, is at RL 70.25AHD and comprises a separate single storey pavilion with a flat roof, containing two bedrooms and a bathroom. This level also contains a covered carport for two vehicles and a storage area. stairs to the west of the pavilion and carport lead to the floor above (see **Figure 4**).

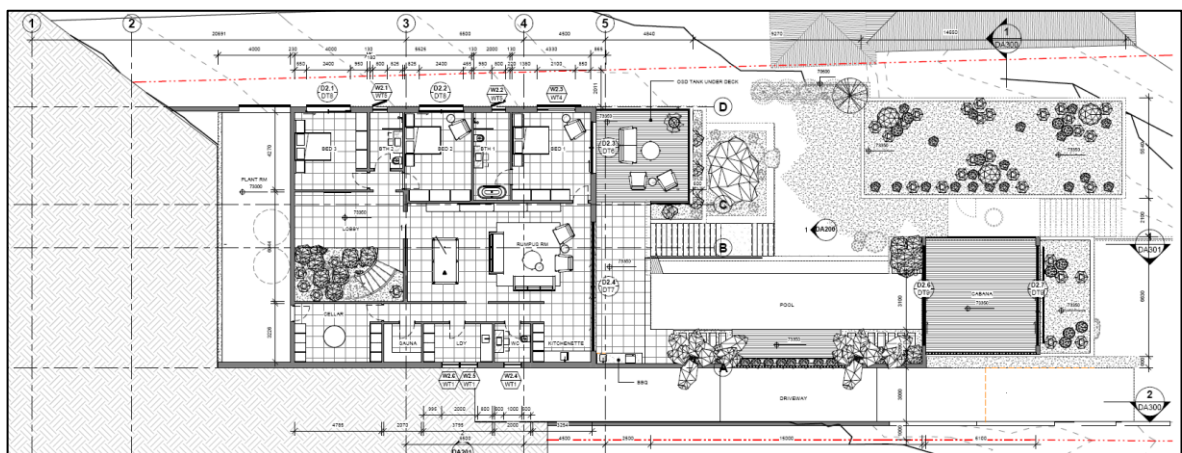


Source: Daniel Boddam Architecture and Interior Design

Figure 4: Lower Ground Floor Level

Lower Ground Floor Level

The Lower Ground Floor Level is at RL73.35 AHD and comprises a stair and lobby area, rumpus room, three bedrooms and bathrooms, cellar, sauna, and laundry. This level leads to an external terrace, swimming pool and cabana. Stairs located between the terrace and the swimming pool lead to the separate pavilion and carport at the basement level (see **Figure 5**).

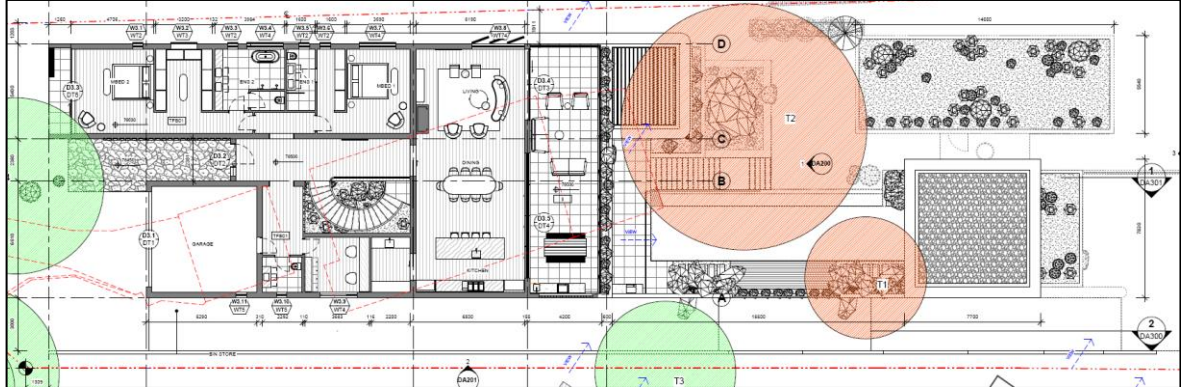


Source: Daniel Boddam Architecture and Interior Design

Figure 5: Lower Ground Floor Plan

Ground Floor Level

The Ground Floor Level is at RL76.50AHD and comprises the main pedestrian entrance open plan living and dining areas, bedrooms with robes and ensuites, a study, WC and a double garage that is integrated into the dwelling. A terrace is located off the living areas (see **Figure 6**).

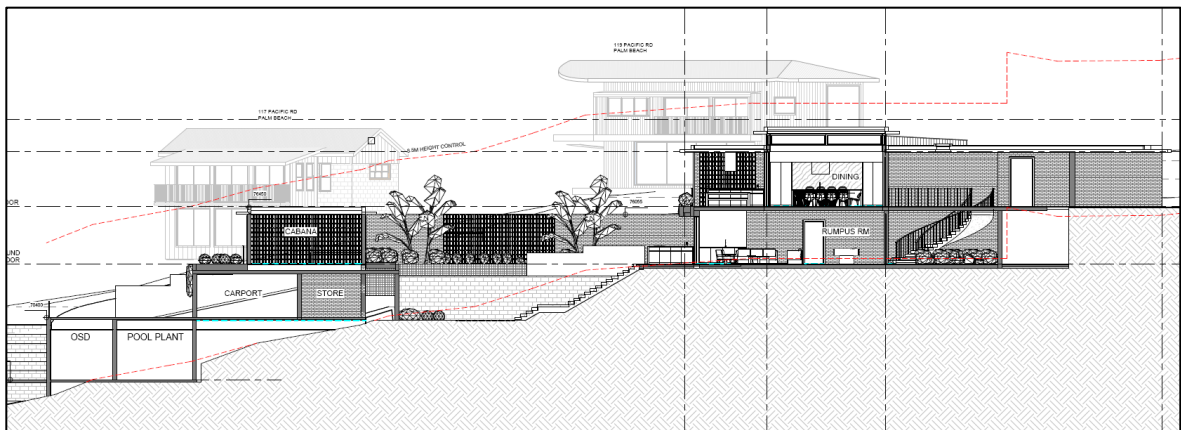


Source: Daniel Boddam Architecture and Interior Design

Figure 6: Ground Floor Plan

3.3 Height

The proposed part single and part two storey dwelling house will have a maximum building height that is up to a maximum 8.675m (see **Figure 7**). The maximum height is measured from the highest roof ridge at RL80.845 AHD to the existing ground level immediately below.



Source: Daniel Boddam Architecture and Interior Design

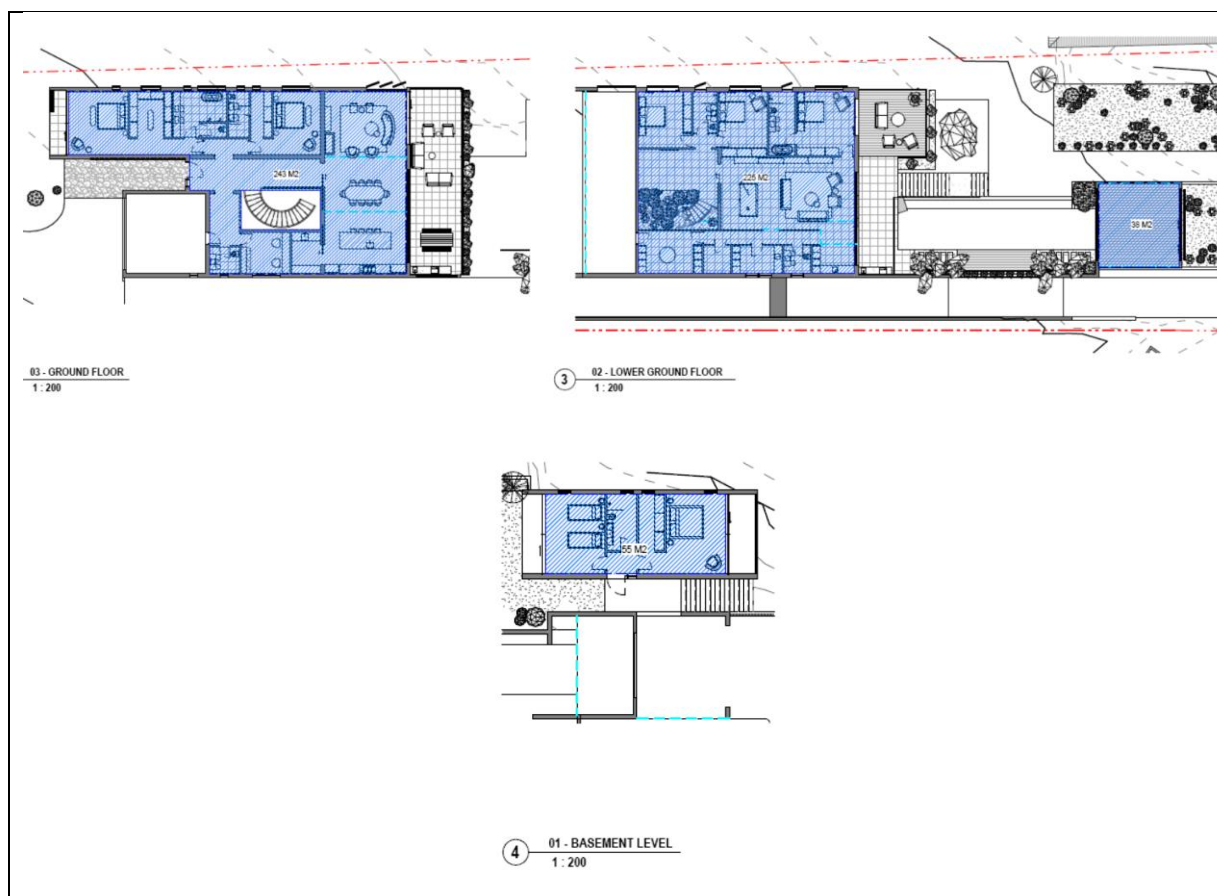
Figure 7: Proposed Height

3.4 Gross Floor Area and Floor Space Ratio

The proposed dwelling house has a Gross Floor Area (GFA) of 591m². A summary of the uses on each floor and GFA is described below (see **Table 1** on the following page).

TABLE 1: DETAILS OF THE PROPOSAL		
Floor Level	Details by Level	Gross Floor Area
Basement Level (RL70.25AHD)	Carport, storage, two bedrooms, bathroom	55m ²
Lower Ground Floor (RL73.35AHD)	Stair lobby, three bedrooms, three bathrooms, rumpus room, cellar, sauna, laundry, plantroom, pool and cabana	293m ²
Ground Floor (RL76.50AHD)	Open plan living, dining and kitchen area, two bedrooms, robes and ensuites, entry foyer, WC, double garage	243m ²
TOTAL	1 dwelling and 6 car spaces	591m²

Drawings prepared by Daniel Boddam Architecture and Interiors show the areas included in GFA calculations, and areas excluded by reason of the definition or as basement area (see **Figure 8**).



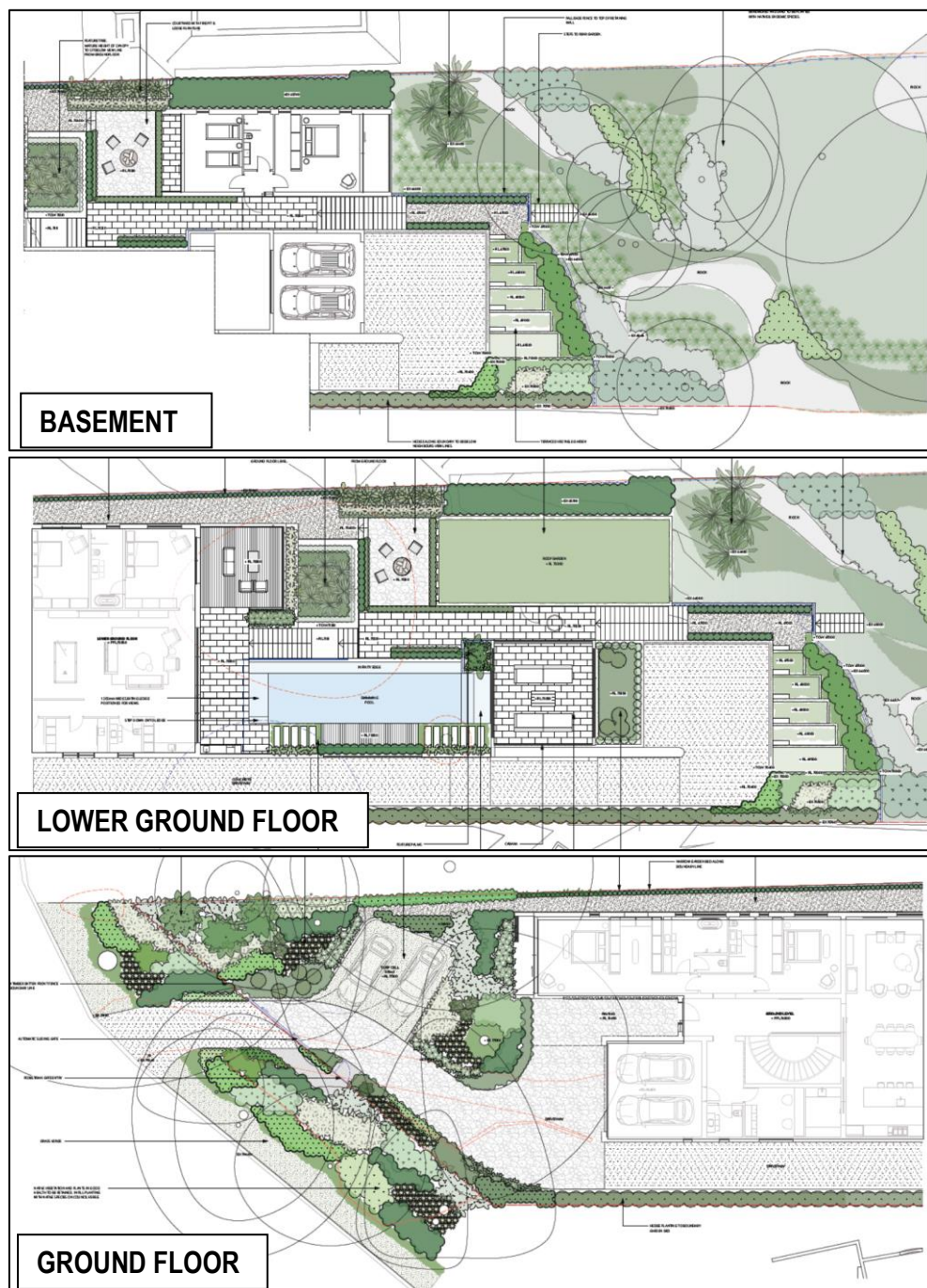
Source: Daniel Boddam Architecture and Interior Design

Figure 8: Diagram Showing GFA Calcs.

3.5 Landscaping, Private Open Space and Balconies

The proposed development will provide 2,493m² open space, of which 1,583m² is deep soil landscaping. Of this area, 191m² will be deep soil landscaping in the front setback, 1,277m² will be in the rear setback, and 115m² will be located elsewhere on the site.

The proposal will retain the majority of the existing trees on the site, with the exception of six trees, which are either recommended for removal or replacement. New landscaping in the form of trees, shrubs, lawn area and groundcover will be provided throughout the site (see **Figure 9**). Further details of the proposed landscaping, species and design intent are in the Landscape Plan, prepared by Wyer & Co and Arboriculture Impact Assessment Report prepared by The Tree MD (separately submitted).



Source: Wyer & Co.

Figure 9: Landscape Plans.

The proposal includes a number of areas for private open space. At the basement level, a paved 21m² terrace is provided off Bedroom 4 and an 8.92m² balcony is accessed from Bedroom 5. At the lower ground level, a 28m² paved terrace is located off Bedroom 1 and the proposed swimming pool is bounded by a 38m² cabana on its eastern side and a 29m² terrace on its western side. This terrace is also accessed directly from the rumpus room. At the ground floor level, a 54m² paved terrace is proposed off the open plan living/dining and kitchen.

proposed on the Lower Ground Floor is located off the rumpus room and provides access to the rear private open space, swimming pool and daybed. The Lower Ground Floor also comprises a timber decked sitting area accessible from Bedroom 01 which looks out towards the landscaped rear yard. Private open space at the Ground Floor Level comprises a paved courtyard adjacent to the main entrance which is accessible from the dining room or Master Bedroom 1. A large balcony at the rear of the site is also provided and is accessible from the open plan living, kitchen and dining space.

3.6 Access and Parking

The existing driveway off Pacific Road will be modified and reshaped to provide a new combined 3m wide driveway and pedestrian pathway that widens towards the dwelling. This path leads to the main entrance as well as the new garage that is integrated into the main dwelling and contains parking for two vehicles. The driveway extends along the southern boundary to the basement level and terminates at a double carport, which will be used by family members of the site owners.

Separate at grade gravel off-street parking within the northern portion of the landscaped setback for two vehicles will also be provided for the occasional visitor and maintenance staff.

4.0 PLANNING CONTROLS

Pursuant to Section 4.15 of the EPA Act, this section assesses compliance with the planning instruments applicable to the site in accordance with the relevant matters for consideration. The relevant planning instruments include:

- Pittwater Local Environmental Plan (LEP) 2014;
- State Environmental Planning Policy (SEPP) BASIX – 2004;
- State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP);
- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land;
- Pittwater Development Control Plan 21 (DCP) 2014

4.1 Pittwater Local Environmental Plan (LEP) 2014

The subject site is zoned E4 Environmental Living under the LEP, which commenced operation on 27 June 2014 (see **Figure 10**). Dwelling houses are permissible with development consent.

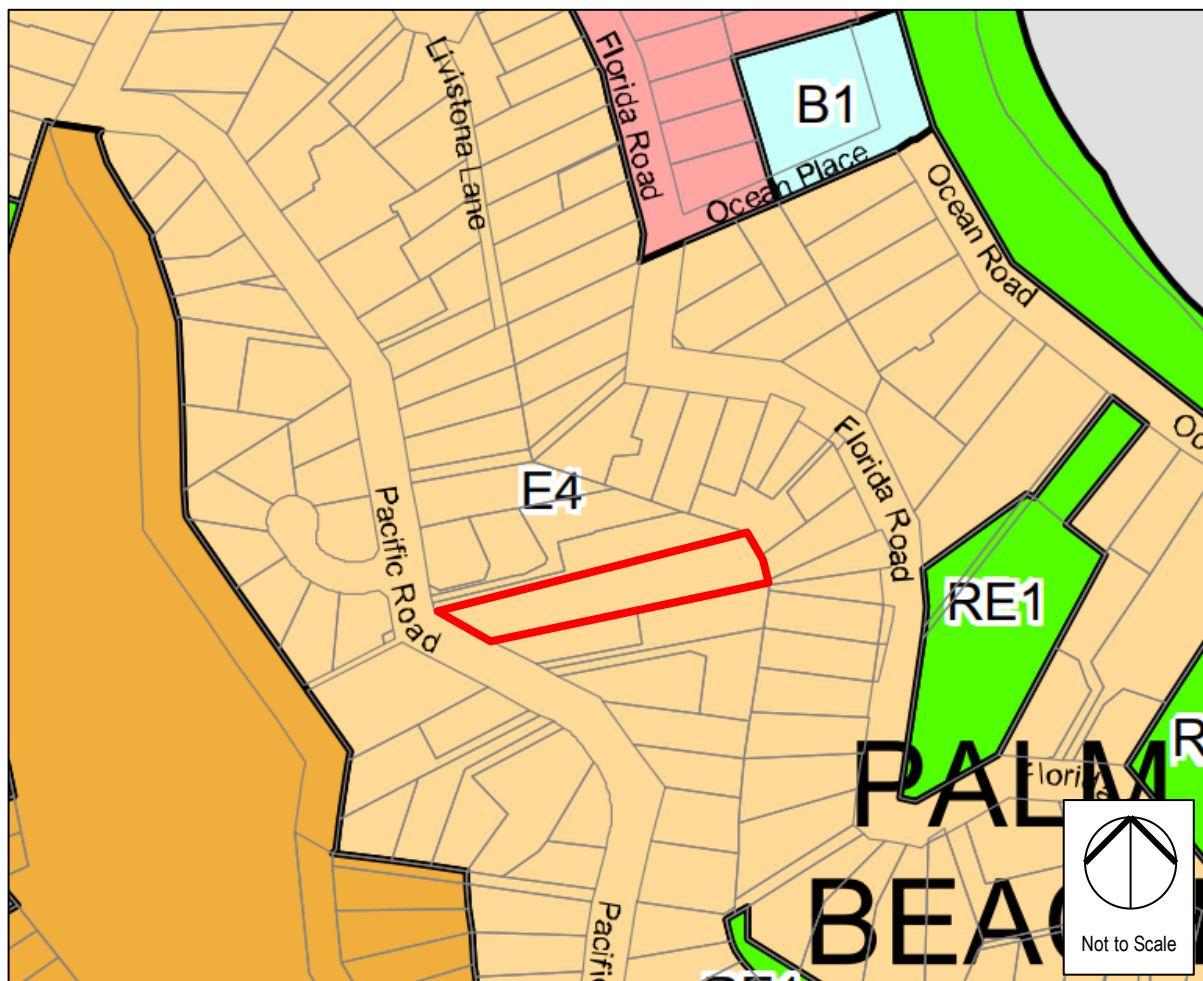


Figure 10: LEP Zoning Plan

Subject Site

4.1.1 Objectives

The LEP Land Use Table contains the objectives for the E4 Environmental Living Zone. The relevant objectives and our responses are stated below:

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

Response: The proposal will continue to provide a low impact dwelling house on the site.

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

Response: The proposed dwelling has been carefully designed and sited to ensure low impacts on the ecological and aesthetic values of the site.

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

Response: The proposal will provide a two storey dwelling house that is contextually appropriate for the area in regard to the bulk and scale of development. The proposal has been carefully designed to integrate with the natural landform and landscape qualities of the site.

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

Response: The proposal is not located in a riparian zone or within a known wildlife corridor. The proposal is also located within an elevated portion of Palm Beach. Notwithstanding this, the proposal will include planting that will retain the sites leafy character.

Accordingly, in our opinion, the proposal satisfies the relevant objectives of the E4 Environmental Living Zone under the LEP.

4.1.2 LEP Compliance

A summary of our assessment of the proposed development against the LEP is following (see **Table 2**).

TABLE 2: PROJECT COMPLIANCE – PITTWATER LEP 2014			
Site Area: 3,055m ²			
Development Standard	Requirement	Proposal	Complies
Site Area (Min)	700 m ²	3,055m ²	YES
Building Height (Max)	8.5 m	Majority of the proposal is under 8.5m. Max 8.675m to the north eastern corner of the upper roof (note: lower than the approved DA)	Partial compliance (see Section 4.1.3)
LEP Provisions			Complies / Comments
Permissibility		E4 Environmental Living	Proposal is permissible within the zone
Heritage Item		NO	(see Section 4.1.4)
Conservation Area		NO	
Within the vicinity of Heritage Item		YES	
Acid Sulfate Soils		Class 5	Proposal is unlikely to impact Acid Sulfate Soils (see Section 4.1.5)

Biodiversity Area	YES	Proposal is unlikely to impact the surrounding biodiversity
Geotechnical Hazard	YES Geotechnical Hazard H1	(see Section 4.1.6)

The proposal satisfies the relevant objectives of the LEP, is permissible in the Zone and complies with the building height and lot size development standards contained in the LEP.

4.1.3 Building Height

The LEP height provisions are contained in Clause 4.3 and the accompanying height map. Council's LEP prescribes a maximum height of 8.5m for the building. While the majority of the proposal complies with the control, a portion of the roof on the northern side of the dwelling exceeds the development standard by a maximum of 0.54m. It is noted that the extent of non-compliance is less than the recently approved DA.

An Application to Vary a Development Standard (Clause 4.6 Variation) has been submitted for the Height non-compliance which, in our opinion, is well founded.

4.1.4 Heritage

LEP Clause 5.10 relates to heritage items and heritage conservation areas. The impact of the proposed development on the heritage significance of the nearby items must be considered in the assessment of any proposed development. The site is not a heritage item but is adjoining two heritage items of local significance identified as 'Sydney Red Gums (*Angophora costata*)' and 'Craboon (house)' in the LEP (see **Figure 11**).

The proposal is unlikely to have any adverse impacts on the heritage significance of the neighbouring item in terms of building envelope, proportions, materials, colours and finishes and building alignment. This is because the proposal has adopted a low scale built form with setbacks and generous landscaping to ensure an adequate buffer zone between the proposal and the neighbouring heritage items. Accordingly, in our opinion, the proposal is likely to have a neutral impact on the surrounding heritage items or heritage conservation areas.

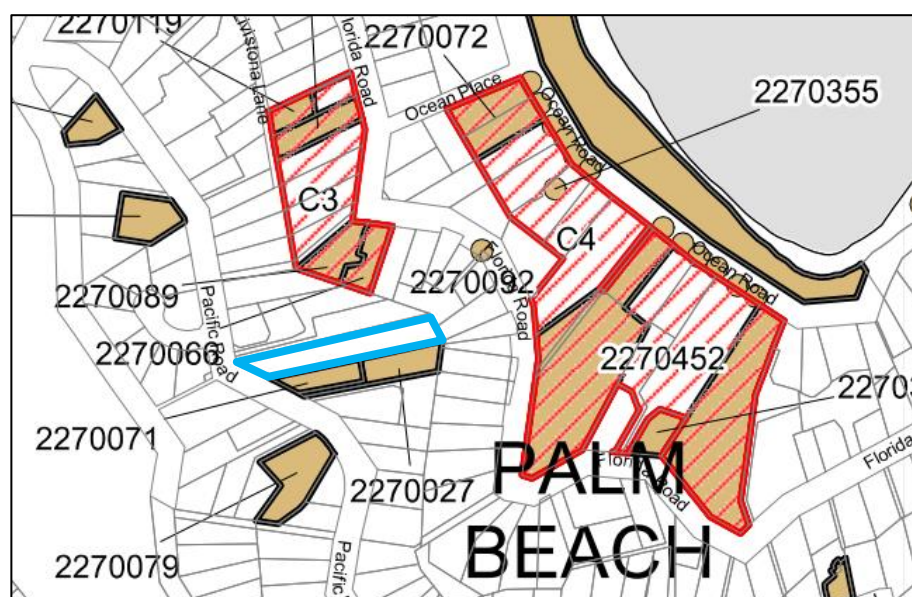


Figure 11: LEP Heritage Map Subject Site

4.1.5 Acid Sulfate Soils

A Preliminary Acid Sulfate Soil Assessment was prepared by SESL Australia and is submitted separately. The report identified the site as being within a Class 5 area of acid sulfate soils. The report states that the site is unlikely to contain acid sulfate soils and concludes, inter alia:

SESL Australia Pty Limited (SESL) was engaged by Kede Carboni C/ (the client) to assess potential ASS presence for the material to be excavated from a property located at 121 Pacific Road, Palm Beach NSW. (the Site). The site was identified to be located within a Class 5 area of acid sulfate soil which classified as being of a low probability of occurrence.

Based on the chromium suite laboratory analysis results, the material in western portion of the site down to 1.0m where BH1 was collected is likely to be ASS. However, the profile morphology, colours and position in the landscape indicates that it is unlikely that the soils are considered ASS or PASS.

Although the laboratory results indicate presence of potential acid sulfate soil in BH1, the pH drop chromium suite results can be due to presence of reduced sulfur in protein and organic matter, and hence the soil does not need to be treated as ASS. However, soils at the site are considered acid.

SESL considers that the proposed excavation of the material within the assessment area is unlikely to encounter ASS. Should excavation activities encounter material that does not match the material description outlined in Section 2.1 of the report and identify any material with different colours such as potential acid sulfate soil (dark grey, dark brown/black) or actual acid sulfate soil (yellow (jarosite) and/or orange to red mottling (ferric iron oxides) with strong smell of rotten eggs, the unexpected find protocol provided in Section 6 of this report should be followed by the client.

4.1.6 Geotechnical Hazard

The subject site is located on land classified as Geotechnical Hazard H1. Clause 7.7 of the LEP contains the objectives of this clause which are stated, inter alia:

- (a) matches the underlying geotechnical conditions of the land, and
- (b) is restricted on unsuitable land, and
- (c) does not endanger life or property.

The LEP also states that before a development application can be determined the consent authority must be satisfied that the following matters take into account the geotechnical risks of the site. The relevant matters are stated, inter alia:

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

In our opinion, the proposal is considerate of the geotechnical hazards on the site and has been carefully designed to match the underlying geotechnical conditions of the land. It has also been sited to provide safe pedestrian and vehicle access from Pacific Road. The proposed contemporary dwelling house has been designed to respond to the site's existing topography and requires minimal excavation to accommodate the house, pavilion, car parking and pool. The proposed works will not create adverse impacts on the management of waste water, stormwater or drainage across the site. The proposal has been assessed in a geotechnical report prepared by JK Geotechnics, submitted separately. This report includes recommendations to ensure that adjoining properties remain unaffected during the excavation and construction stages from a geotechnical perspective.

The proposal has been designed and sited to avoid and/or manage geotechnical risk or adverse impacts on surrounding development. Accordingly, the proposal is considered appropriate from a geotechnical hazard point of view.

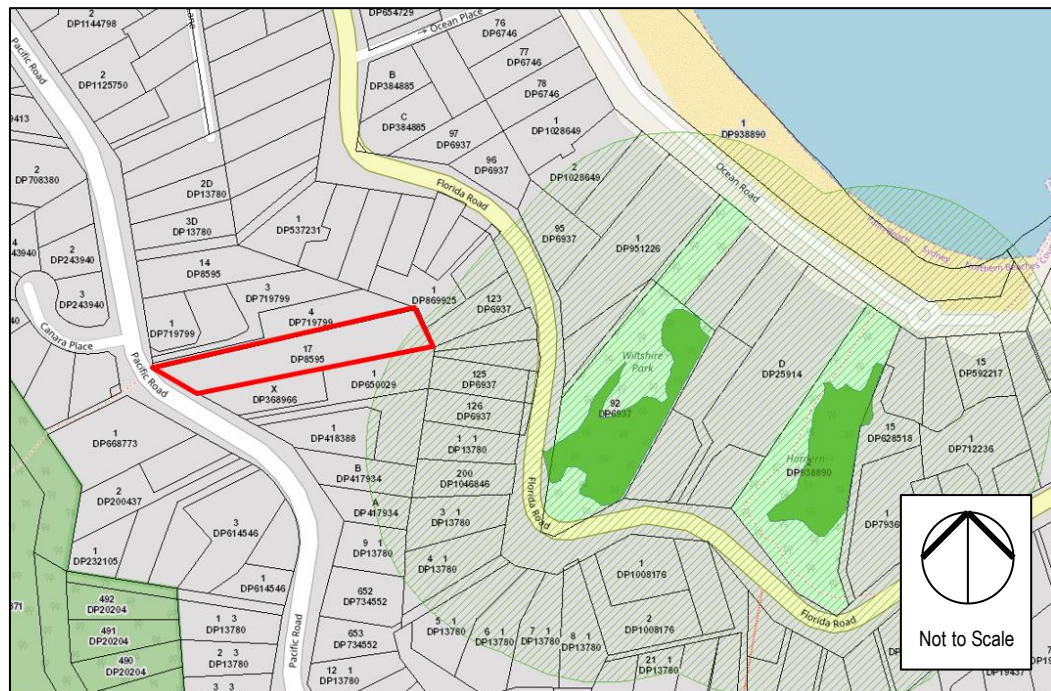
4.2 State Environmental Planning Policy (SEPP) BASIX – 2004

SEPP (Building Sustainability Index: BASIX) 2004 was gazetted on 26 June 2004, and applies to the subject site. SEPP BASIX requires all new residences in NSW to meet sustainability targets of a 30% reduction in energy use and 40% reduction in water use. In considering the merits of the proposal, it is appropriate to refer to the sustainability targets of the SEPP.

A BASIX Report prepared for the proposed development (separately submitted) demonstrates the proposed dwelling house can satisfy the relevant water and energy reducing targets.

4.3 State Environmental Planning Policy (SEPP) – (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) took effect on 3 April 2018 and applies to the subject site (see **Figure 12**). A small portion of the site at the eastern end is identified as 'Proximity Area for Littoral Rainforests'.



Source: NSW Department of Planning Environment

- Subject Site**
- Littoral Rainforests**
- Proximity to Littoral Rainforests**

Figure 12: State Environmental Planning Policy (Coastal Management) 2018 Map

Division 1, Clause 11 of the SEPP states that development consent must not be granted to development on land identified as “proximity to wetlands” or “proximity area for littoral rainforest” unless the consent authority is satisfied that the proposal will not significantly impact on:

- (a) *The biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforests, or*
- (b) *The quantity and quality of surface and ground water flows to and from the adjacent coastal wetlands or littoral rainforest.*

Given only a minor portion of the site is subject to the SEPP, the proposal has been carefully designed and sited to have appropriate setbacks from the area classified as in the proximity of the littoral rainforests. The proposal is unlikely to impacts on the biophysical, hydrological or ecological integrity of the littoral rainforests and is also unlikely to have any adverse impacts on the quantity or quality of surface and ground water flows to and from the littoral rainforest.

The site is also located in a Coastal Zone. Accordingly, Division 5, Clause 15 of the SEPP also applies to the subject site. The Clause states, inter alia:

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal is not considered likely to increase the risk of coastal hazards on the subject site or other land. Accordingly, the proposal, in our opinion, is appropriate in respect of SEPP Coastal Management 2018.

4.4 State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land

SEPP No. 55 – Remediation of Land was gazetted on 28 August 2005 and applies to the whole of the State. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to the consent of development on that land.

The owners have advised that as the long term use of the site has been residential, the site is unlikely to be contaminated. On this basis, further investigation is not considered necessary.

4.5 Pittwater Development Control Plan 21 (DCP) 2014

The Pittwater DCP was adopted on the 8 December 2003, has been subsequently amended, and applies to the site and the proposed development. Part D of Council's DCP contains specific controls relating to localities. The subject site is located within the Palm Beach locality.

The desired future character of the Palm Beach locality includes a primarily low density residential area of two storeys in height, within a landscaped setting. Future development is to maintain a building height limit that is below the tree canopy and will minimise bulk and scale. Existing and new vegetation is to be integrated with the development. Contemporary buildings will utilise façade modulation and include shading elements. Building colours are to harmonise with the natural environment and developments on sloping site would minimise site disturbance. The future character of the locality will provide a balance between maintaining the landform and natural landscaping features of the site, with development of the land.

In our opinion, the proposal satisfies the desired future character of the Palm Beach locality. This is achieved by creating a low density contemporary dwelling house that appears as single storey from the street (similar to the existing) and two storeys when viewed from the rear. The proposed flat roofed and stepped built form will maintain compatibility with existing and emerging development in the locality. The dwelling will be well modulated, with balconies/verandahs providing articulation at the rear. New landscaping will be well integrated into the design of the dwelling and throughout the site and will maintain the densely landscaped character of the area.

4.5.1 DCP Compliance

A summary of our assessment of the proposed development against the relevant provisions of the DCP is outlined in Table 3.

TABLE 3: DCP PROJECT COMPLIANCE

Provision	Requirement	Proposal	Complies
Character as Viewed from a Public Place	Buildings which front the street must have a street presence and incorporate design elements that are compatible with any design themes for the locality	The building façade will have a positive street presence and comprises elements that are compatible with the built form of the locality.	YES
	Blank street frontage facades without windows shall not be permitted.	Street frontage façade will contain windows	YES
	Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; ii. awnings or other features over windows; iii. verandahs, balconies or window box treatment to any first floor element; iv. recessing or projecting architectural elements; v. open, deep verandahs; or vi. verandahs, pergolas or similar features above garage doors.	The proposal have an entrance that has frontage to the street, west facing windows to Bedroom 2 which contain external vertical screening, and recessed elements.	YES
	Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	The proposed garage is set back and appears as a recessive element when viewed from the street.	YES
	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 garage will be located behind the front setback. The garage will be no greater than 50% of the lot frontage.	YES
	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.	Landscaping will be integrated in the building design. The building will appear as secondary to the proposed landscaping and vegetation.	YES
Scenic Protection	Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.	The development will minimise visual impacts to the road and waterway.	YES
Building Colours and Materials	External colours and materials shall be dark and earthy tones	External colours will be earthy tones.	YES
	Finishes are to be of a low reflectivity.	Finishes will be of a low reflectivity.	YES
Front Building Line	6.5m or established building line, whichever is the greater	Front setback 6.83m – 23.98m and aligns with adjoining development.	YES
Side and Rear Building Line	2.5m to at least one side; 1m for other side, 6.5m (rear)	Min. 1.2m from the northern boundary; 4m from the southern boundary; >6.5m from the rear	YES
Building Envelope	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	Dwelling largely falls within building envelope with the exception of the northern edge of the first floor	NO See Section 4.5.2
Landscaped Area	The use of porous materials and finishes is encouraged where appropriate.	Porous materials will be used where appropriate.	YES

	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.	A range of shrubs will be provided to soften the built form.	YES
	At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site	Min 2 canopy trees within the front yard and 1 canopy tree in the rear yard are provided	YES
	The following soil depths are required in order to be counted as landscaping: <ul style="list-style-type: none"> 300mm for lawn 600mm for shrubs 1metre for trees 	Soil depths will be achieved.	YES
	The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy	60% of the front setback will be landscaped	YES
Construction, Retaining Walls, Terracing and Undercroft Areas	In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	Retaining walls, cut/fill and terracing is supported in the Geotechnical Report submitted separately	Appropriate on Merit
Heritage Conservation	Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.	The proposal will be sympathetic with, and complement the heritage significance of neighbouring items.	YES
Safety and Security	Building design should allow visitors who approach the front door to be seen without the need to open the door.	The building design will allow for visitors to be seen without the front door being open.	Able to comply
	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.	The proposal will provide opportunities for casual surveillance.	YES
	Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.	The building entrance will be clearly visible from the street, easily identifiable and will be appropriately lit.	YES
View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposal will allow for view sharing.	YES
	Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.	View sharing is maintained and rear terrace has an open structure	YES
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.	Main private open space of the dwelling and adjoining dwellings will receive min. 3 hours solar access in mid-winter.	YES

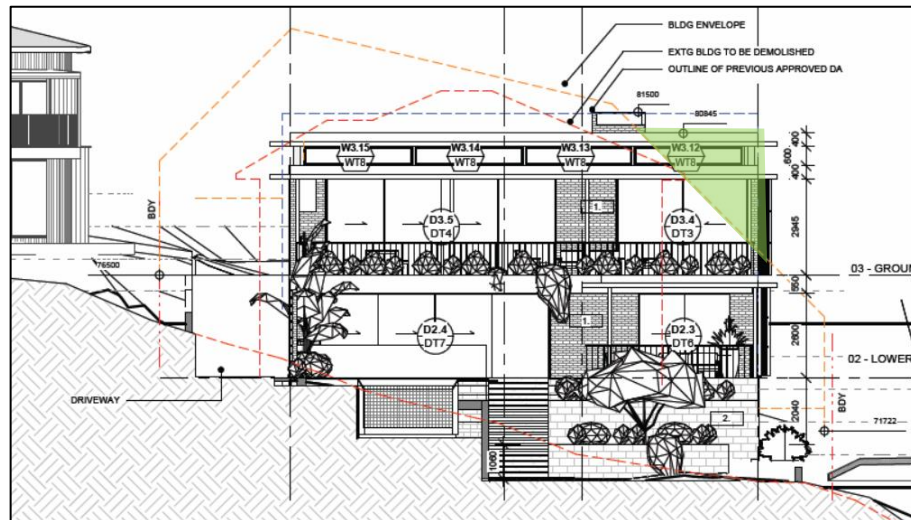
	Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	Windows to principal living area of the proposal and adjoining dwellings will receive min 3 hours solar access (to at least 50% of the glazed window areas) in mid-winter	YES
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	Private open space including the swimming pool will not likely be subject to any direct overlooking as a result of the location and landscaping surrounding the area.	YES
	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.	Elevated balconies incorporate privacy screens to select areas; similar to the approval	YES
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	Noise sensitive rooms will be located away from noise sources.	YES
Private Open Space	Minimum 80m ² of private open space 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.	>80m ² open space at ground levels throughout the site and <75% is located within the front yard	YES
	Within the private open space area, a minimum principal area of 16m ² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).	Principal area is >16m ² with a min dimension of 4m. Grade will be no steeper than 5%	YES
	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.	Private open space will be directly accessible from the living areas and will be able to function as an extension of the internal living areas.	YES
	Private open space areas are to have good solar orientation	Private open space will have good solar orientation.	YES
Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the <i>Swimming Pools Act 1992</i> and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Proposed swimming pool and associated fencing will be manufactured, designed, constructed, located and maintained in accordance with Swimming Pools Act 1992. Fencing and warning notices will remain permanent structures.	YES
Hazard Controls	Development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development. Development to comply with: <ul style="list-style-type: none"> Planning for Bushfire Protection (2006) Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area 	Proposal will be designed to comply with the relevant Bushfire protection guidelines and standards, in accordance with the recommendations in the Bushfire Risk Assessment Report	Able to Comply
Access and Parking	<u>Minimum</u> no. of spaces per dwelling of 2+ bedrooms: 2	4 spaces for dwelling (+ 2 for visitors/maintenance)	YES
	Internal driveways to have a maximum grade of 1:5, and a min. 2m long transition between the driveway and garage/parking/carport	Internal driveway will have a maximum grade of less than 1:5 and will be designed in accordance with the civil drawings	Able to Comply

	Provision is to be made for vehicles to enter and leave the site in a forward direction, where driveways are more than 30m in length	Vehicles within the carport will be able to enter and exit in a forward facing manner	YES
Site Works Management	Excavation and landfill on any site that is included below must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater and details submitted and certified by a Geotechnical/Structural Engineer and detailed in a Construction Certificate: - Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation; - Any excavation greater than 1.5 metres deep below the existing surface; - Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property; - Any landfill greater than 1.0 metres in height; and/or - Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils	Refer to Geotechnical Report	Able to Comply
	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.	Waste materials generate to be appropriately reused or disposed of	Able to Comply
	All sites are to be protected by site fencing for the duration of the works. Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the <i>Roads Act 1993</i> .	Site fencing to be provided in accordance with future conditions of consent	Able to Comply
	For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m ³ or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.	Construction Traffic Management Plan to be provided to Council prior to commencement of works, in accordance with future conditions of consent	Able to Comply

The proposal complies with the majority of built form controls under the DCP. The proposal exceeds Council's control relating to the building envelope control on the western side, which will be discussed below.

4.5.2 Building Envelope

The DCP states that for dwelling houses, 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. The proposal achieves this on the southern side of the dwelling, but exceeds the control on the northern side (see **Figure 13**).



Source: Daniel Boddam Architecture & Interior Design

Figure 13: Extent of Building Envelope Non-Compliance on the Northern Side (shaded green)

The objectives or outcomes of the control state, inter alia:

- *To achieve the desired future character of the Locality.*
- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

The extent of non-compliance on the northern side is due to the slope in the topography. Notwithstanding this, the proposal will satisfy the outcomes of the control. This is achieved by maintaining a low density development with a maximum of two storeys on the site, which is consistent with other development in the locality. The proposal complies with the setback, height and the majority of other built form controls. The proposal is located well below the height of trees in the natural environment, minimises bulk and scale through a well-articulated built form and provides generous amounts of landscaping throughout to visually reduce the built form when viewed from the public and private domain. In addition, the proposal has been designed to ensure there will be no unreasonable impacts in respect of solar access, privacy and views, and this is discussed in Section 5.0 of this Statement. Accordingly, in our opinion, the proposed building envelope is appropriate in the circumstances of this case.

5.0 PLANNING ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact; the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

5.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

5.1.1 Topography & Scenic Impacts

Excavation will be undertaken in accordance with Council's standard conditions of consent and the Geotechnical Report, prepared by JK Geotechnics (separately submitted). With the exception of the southern driveway, excavation is largely set back from the site boundaries and is unlikely to impact neighbouring properties. The recommendations outlined in the report will ensure there will be no unreasonable impacts to adjoining properties.

Trees on site have been assessed in the Arboriculture Impact Assessment Report prepared by The Tree MD with recommendations for retention or removal. Recommendations outlined in the report will be implemented during construction to ensure nominated trees are protected and retained.

The proposal will also include new landscaping designed by Wyer & Co. (separately submitted). While the majority of the trees within and adjacent the site at the street frontage will be retained, new planting will further enhance the landscaped character of the locality and will provide an improved outlook when viewed from within the site as well as from the street and surrounding development.

5.1.2 Water & Air Quality Impacts

With implementation of the proposed Stormwater Management Plan, the proposed development is unlikely to result in any adverse effects on the locality in terms of water and air quality. Stormwater and runoff will be managed in accordance with the Stormwater Engineer's recommendations and any Council conditions of consent.

5.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the effects of the proposed development on the character and context of the area.

5.2.1 Impact on the Area's Character

The proposal will uplift and revitalise the site when viewed from Pacific Road as the existing building portrays little architectural character and has been poorly maintained. The proposed contemporary design will reflect the emerging character of the area through its height, bulk and scale, and will be contextually appropriate with other contemporary development in the locality. The proposal will have an east-west orientation in line with the site shape and will have an improved rational layout to suit the owner's design requirements.

When viewed from Pacific Road, the proposal will have a single storey appearance with a flat roof form. The modest built form is subtly articulated through varied setbacks, materials selection and cladding pattern creates visual interest and at the same time enables the landscaped character of the area to take precedence in the locality. When viewed from the rear, the proposed built form will step down in line with the topography of the land, to maintain a low-scale appearance. The wide open terraces provide articulation to the rear, and flat roof form and framed overhangs with louvres create a lightweight floating

effect, and complement the cascading landscape terraces. The design philosophy of the proposal, as expressed by the architect states as follows:

The project is designed as a series of horizontal planes that cascades down the landscape. Site responsive design brings in natural light, views and establishes a connection with nature. The building materials respond to the coastal setting picking up on the surrounding colours of the landscape. Exposed sand coloured bricks and Sydney sandstone bed the building down nestling it into the site combined with the earth and pebble rooves the project seeks an earthy modernist expression that celebrates the artisanal.

Accordingly, the proposal will have a positive impact on the character of the area. Photomontages of the proposal are shown in **Figures 14 and 15**.



Source: Daniel Boddam Architecture & Interior Design

Figure 14: The Proposal, as viewed from the Front Setback Area



Source: Daniel Boddam Architecture & Interior Design

Figure 15: The Proposal as viewed from Rear Pavilion

5.3 Assessment of Built Environmental Impacts: Privacy and Amenity

This section considers the aural and visual privacy impacts resulting from the proposal and needs to be considered in conjunction with Section 4.6. It will also address sunlight access and view impacts.

5.3.1 Aural and Visual Privacy

The design and layout of the proposal will maintain aural and visual privacy for residents of neighbouring sites. Living rooms and private open spaces are oriented towards the rear of the site and windows facing the side setbacks are associated with bedrooms and service rooms only. Living area windows that face the northern side boundary will have fixed privacy louvres that will prevent overlooking to No. 125 Pacific Road. Given the compliant side setbacks, extensive landscaping and building separation from nearby development, the proposal will unlikely be overlook adjoining properties.

The proposal will retain its existing single dwelling use on the site. Given the continuing residential occupancy, it is unlikely that there would be additional noise generation when compared to the existing situation.

5.3.2 Solar Access

To assess the impact of the proposed development in terms of overshadowing, shadow diagrams have been prepared for 9:00 am, 12 noon and 3:00 pm for the winter solstice (June 21).

At 9am, additional shadow largely occurs over the front setback of the subject site and a small portion of the northern setback at No. 119 Pacific Road. At 12 noon, additional shadow occurs over a small area within the northern setback of No. 119 Pacific Road. At 3pm, additional shadow occurs over part of the northern setback of Nos. 117 and 119 Pacific Road.

These diagrams indicate that the proposed development will receive at least three hours solar access to living areas and private open space in mid-winter, and will not reduce the sunlight access of adjoining properties at Nos. 117 and 119 Pacific Road to less than three hours in mid-winter. This complies with the DCP requirements and in our opinion the proposal is appropriate in respect of solar access.

5.3.3 View Sharing

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the principle of the *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

- *Assessment of the Views Affected*
- *From What Part of the Property are the Views Obtained?*
- *The Extent of the Impact*
- *The Reasonableness of the Proposal*

It is noted that we have not undertaken an inspection of nearby properties and our assessment has relied on an inspection of the subject site, aerial photography and survey information.

The site and adjoining developments on the eastern side of Pacific Road enjoy views towards the Pacific Ocean and parts of Palm Beach towards the north east, from various locations and to varying degrees. Within the site, These views are available from the living areas and balconies/terraces located at the rear at the upper (ground) level of the dwelling. It is surmised that similar water views are obtained from the living rooms and/or balconies from adjoining development. Properties that are located on a higher level due to the sloping topography would enjoy more expansive views.

Views from the adjoining properties to the north at Nos. 123, 125 and 125A Pacific Road will not be affected by the proposed dwelling. Views from No. 119 Pacific Road will likely be maintained, given this property is higher than the subject site and is set back further from the eastern frontage than the proposal to maximise views.

The proposal complies with Council's major building envelope controls in relation to building height (with minor exception) and setbacks, and complies with the majority of relevant controls under the DCP. The proposed flat roof is also lower than the maximum ridge of the existing dwelling house, and indeed the previously approved DA, and has a stepped built form at the rear. The main dwelling will have similar rear setbacks to the existing dwelling. The proposal will therefore not unreasonably obscure any view corridors or create adverse view impacts when compared to the existing situation. Accordingly, in our opinion, the proposal is appropriate in respect of views.

5.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure, traffic, parking and access issues; and hazards.

5.4.1 Proximity to Services and Infrastructure

The site is well located in terms of public transport. The nearest bus stop is located approximately 1km from away from the site on Florida Road and services route Nos. L90 and 199, which provide regular access between Palm Beach, Wynyard and Manly. Train services at Wynyard connect to the wider Sydney rail network. As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

5.4.2 Traffic, Parking and Access

The proposal will utilise the existing driveway entry location from Pacific Road, but will be modified, and the existing driveway will be widened and reshaped to comply with Australian Standards. This driveway will also extend along the southern boundary to the new carport. The new garage, at grade parking within the front setback and the new carport will each accommodate two car parking spaces. Each space will have minimum dimensions of 2.4m x 5.4m which complies with Australian Standards.

As the proposal retains the single residential use of the site, it is unlikely that there would be any additional traffic generation compared with the existing situation. Accordingly, the proposal is in our opinion, acceptable from a traffic and parking point of view.

5.4.3 Hazards

The site is subject to land classified as H1 Geotechnical Hazard (see Section 4.1.6). In this instance, a geotechnical report prepared by JK Geotechnics is submitted separately. This report indicates that while the existing site does not achieve the 'Acceptable Risk Management' under the Pittwater Risk Management Policy, the proposal can proceed subject to specific recommendations, stating inter alia:

We consider that the proposed development may proceed provided the following specific design, construction and maintenance recommendations are adopted to maintain and reduce the present risk of instability on the site and to control future risks. These recommendations address geotechnical issues only and other conditions may be required to address other aspects.

In its general comments, the report states the following:

Provided the comments and recommendations above are followed, we consider that the site poses an acceptable risk to both life and property for the proposed house.

On the above basis, the proposal will not increase the likelihood of such hazards and is acceptable from a hazards point of view.

The westernmost tip of the site is identified as bushfire prone land (vegetation buffer) on the Northern Beaches Bush Fire Prone Land Map 2020. This part of the site is not being redeveloped and the proposed works are substantially set back and within non-identified areas. In this regard, a Bushfire Risk Assessment Report has been prepared by Bushfire Planning Services and is submitted separately. The report makes a number of recommendations in terms of construction, landscaping, and management of the entire site as an Asset Protection Zone in perpetuity and concludes, inter alia:

Based on the above report and with the implementation of the recommendation contained within this report the consent authority should determine that this development can comply with the requirements of AS 3959-2018 and 'Planning for Bushfire Protection' guidelines.

The recommendations contained within this report are to be implemented in their entirety. Changing one aspect may have an adverse effect on the rest of the recommendations.

Bushfires are affected by many external influences such as climactic conditions, vegetation type, moisture content of the fuel, slope of the land and human intervention to name a few and are difficult to predict.

This report does not intend to provide a guarantee that the subject property will survive if a bushfire should impact the surrounding area. The purpose of this report is to show the developments level of compliance or in some cases non-compliance with the New South Wales legislation regarding building in bushfire prone areas.

Where non-compliance is found measures will be suggested that should make the building less susceptible to the various attack mechanisms of a bushfire and comply with the performance requirements of the Building Code of Australia.

In accordance with the Bushfire Risk Assessment, the proposal will be able to meet the relevant requirements in respect of bushfire protection.

5.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

5.5.1 Social and Economic Impact

The proposal will have social and economic benefits in the area with the construction of an elegant and contemporary new dwelling. The proposal is in keeping with the character of Palm Beach and will continue to provide low density housing within the E4 Environmental Living zone. In addition, the proposal will provide employment during demolition and construction and in the provision of maintenance services once the dwelling is occupied.

5.5.2 The Public Interest

The proposal has been designed with consideration of the adjoining residents' amenity and the streetscape. It will provide a contemporary dwelling house which is a contextually appropriate scale and built form for the area. The building has been designed to maintain neighbours and local amenity and will contribute positively to the local character. The proposal is a quality development which serves the public interest.

6.0 CONCLUSION

The proposed two storey dwelling house at No. 121 Pacific Road, Palm Beach has been assessed in accordance with Section 4.15 of the EPA Act and Council's planning instruments. The proposal is permissible in the E4 Environmental Living Zone under the LEP and in our opinion is consistent with the relevant objectives of the Zone. In our assessment, the proposal is also consistent with the provisions and objectives related to geotechnical matters and heritage conservation in the LEP.

The proposal will replace an existing dated dwelling in poor condition with a contemporary dwelling house that will present an attractive frontage to the street and have a clear and legible stepped built form that will respond to the topographical constraints and complement the existing and emerging development in the locality. The carefully sculpted design will provide a superior level of internal and external amenity for the occupants of the site and include generous amounts of landscaping and private open space.

This SEE demonstrates the proposal for a contemporary dwelling house will achieve the desired future character of the Palm Beach locality and maintain a cohesive relationship with surrounding development. The proposal provides consistency in scale, form, proportions, setbacks and materials. This design approach ensures that the proposal will enhance the local streetscape character.

The majority of the proposal complies with the building height development standard under the LEP. While there is a small area of the roof that breaches the height standard, this has been fully justified in the accompanying Clause 4.6 Application to Vary a Development Standard. The Clause 4.6 Application demonstrates the proposal satisfies matters for consideration and achieves the objectives of the planning controls. In our opinion, the application is considered to be well-founded.

The proposal also complies with the majority of the controls under the DCP. Where there are minor variances to the DCP, the proposal satisfies the outcomes and objectives of the control. Compliance with the majority of controls ensures the new building envelope is unlikely to cause significant overshadowing or loss of privacy to nearby properties. The proposal is also unlikely to unreasonably affect outlook or views from surrounding properties and the public domain.

The SEE is accompanied by architectural, landscaping and stormwater drawings, in addition to BASIX, engineering and bushfire reports. These documents have informed our assessment and confirm the proposal is suitable in the locality.