

**Four Towns
Planning**

Planning and property consultant

STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and Additions to
the Existing Dwelling House
and Construction of a
Secondary Dwelling**

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Mona Vale NSW 2103**

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This report has been prepared to support a Development Application under the *Environmental Planning and Assessment Act 1979*.

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30 September 2023

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1. Introduction and Background Information

1.1 Introduction

This report has been prepared as supporting documentation for a Development Application relating to alterations and additions to the existing dwelling house and construction of a secondary dwelling at 14 Kristine Place, Mona Vale, being Lot 11 in DP 242690.

This report has been prepared following instructions from the client James Sullman. In preparing this application consideration has been given to the following:

- *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act);
- Environmental Planning and Assessment Regulation 2021;
- Relevant State Environmental Planning Policies;
- Pittwater Local Environmental Plan 2014 (PLEP 2014);
- Pittwater Development Control Plan 21 (PDCP21);
- Survey Plan prepared by DP Surveying;
- Architectural Plans prepared by Canvas Architecture and Design;
- BASIX Certificate prepared by Efficient Living;
- Flood impact assessment report by GEBA Consulting.

This Statement of Environmental Effects describes the proposed development having particular regard to the provisions of Section 4.15 of the EP&A Act 1979 and examines any potential environmental impacts with regard to the relevant sections of the Act, State policies and requirements of Northern Beaches Council's PDCP.

The conclusions of the Statement of Environmental Effects are that the proposed development, being alterations and additions to an existing dwelling house and construction of a secondary dwelling is permissible with development consent and is consistent with the relevant statutory planning instruments including Pittwater Local Environmental Plan 2014 and relevant planning policies of Pittwater Development Control Plan 21.

Accordingly, the proposal succeeds on its merits and should be approved by Council, as submitted.

1.2 Background Information

The site is not the subject of any recent Development Applications to Northern Beaches Council. The proposal was the subject of a Pre-Lodgement meeting with Northern Beaches Council held on 1 September 2022 (PLM2022/0163). The PLM notes required some amendments to that submitted with the pre-lodgement application. It is noted the owners have taken the advice on board and made amendments as required for the lodgement of the Development Application. In particular the following is noted:

Carparking

- The proposal has been redesigned to comply with Councils request for two car parking spaces behind the 6.5m front setback. This in the form of a single car garage and a single hardstand car space behind the front setback requirement. Compliance is assessed throughout this report.

Flooding

- The application is supported by a flood impact assessment prepared by GEBA Consulting.

2. Site Profile

2.1 Property Description

The subject allotment is described as 14 Kristine Place, Mona Vale, legally known as Lot 11 in DP 242690. The site is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

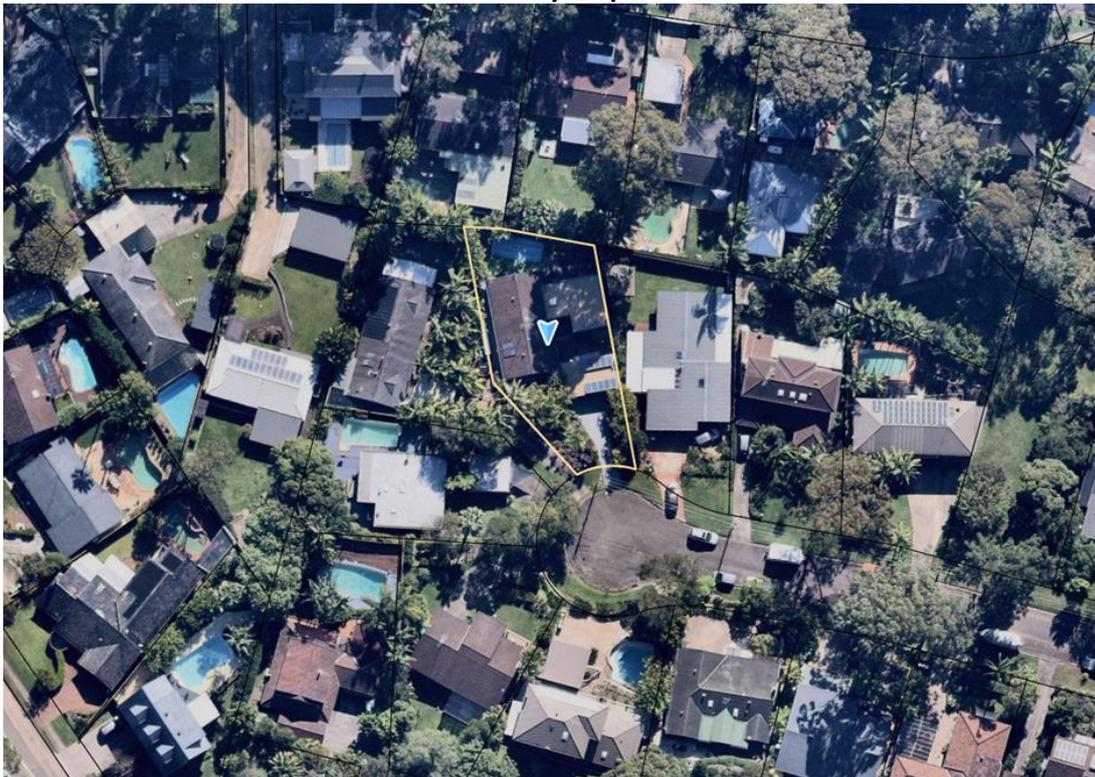
The site is not listed as a heritage item, nor is it located within a heritage conservation area.

2.2 Site and Locality Description

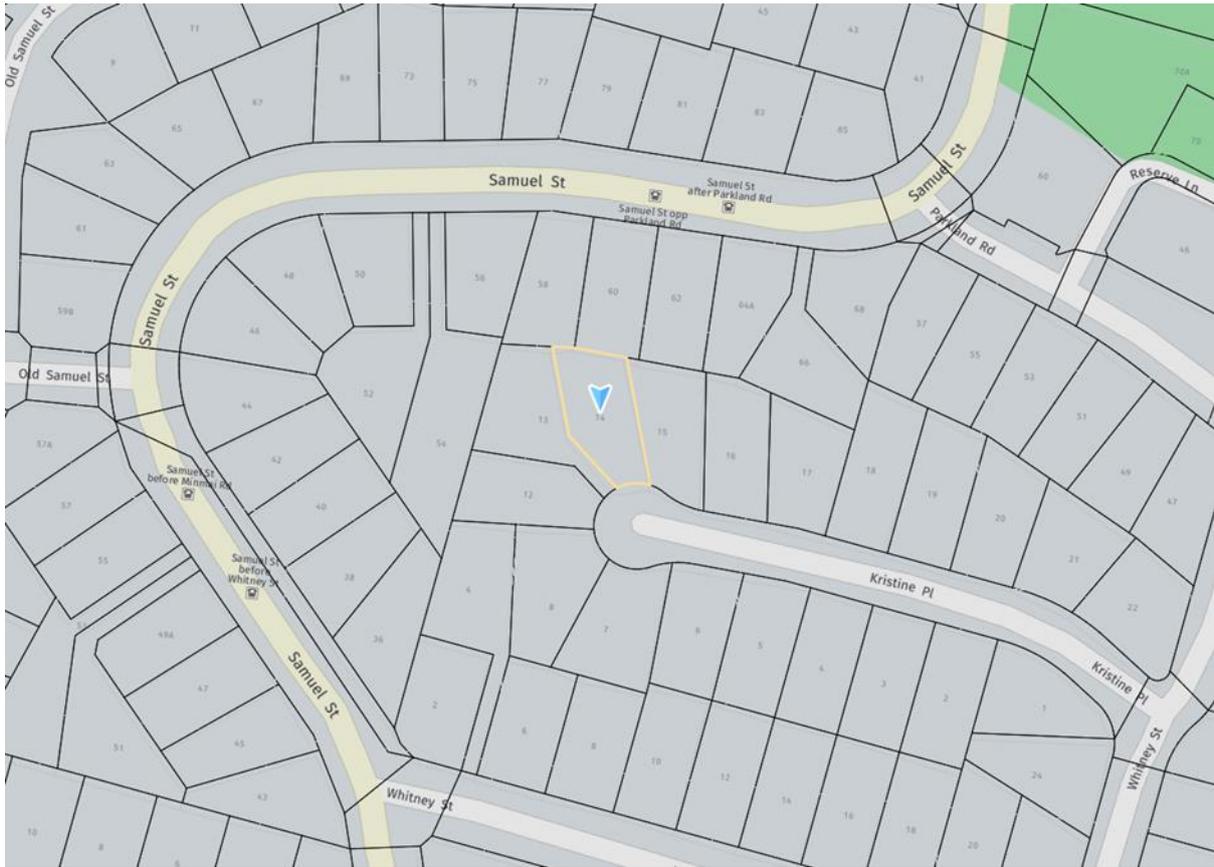
The site is located the northern side of the cul-de-sac with a 9.5m frontage to Kristine Place. The site is irregular in shape with a combined total site area of 699.9sqm. The site is currently occupied by a single storey residential dwelling with a detached garage and courtyard area.

The locality maps on the following page show the location and area of the site:

Locality Maps



Source: Nearmap 2022



Source: Nearthmap 2022

The locality has a variety of property sizes due to the varying lot sizes and topography of the areas. The locality comprises a mix of single detached dwellings comprising of one to three storeys in height with varying front setbacks.

The proposal is not out of context and will fit in with the existing streetscape of the precinct, noting the main additions are to the rear of the dwelling. A visual analysis is provided on the following pages:

Visual Analysis



Photograph of the site and existing detached garage – 14 Kristine Place, Mona Vale



Photograph of the existing courtyard to be converted into the secondary dwelling



Photography of the site and neighbouring property to the east 15 Kristine Place



Photography of neighbouring properties to the west – 12 and 13 Kristine Place

3. Proposal

The proposed development is for alterations and additions to the existing dwelling house and construction of a secondary dwelling. The proposal remains consistent with the streetscape of Kristine place and the immediate locality.

The proposal is consistent with relevant Council controls and ensures privacy and solar access are maintained for surrounding properties and the site. The proposed works include the following:

Demolition Works

- Demolition works as depicted on the architectural plans.

Ground Floor Plan

Garage

- Garage converted to single car space garage

Secondary Dwelling

- Kitchen
- Bathroom
- Living room
- Courtyard
- Stairs
- Bedroom

First Floor Plan

- Garage roof storage
- Study
- Deck

External works

- Planter roof
- Hardstand single car space

Refer to architectural plans prepared by Canvas Architecture and Design for a full description of all works.

4. Statutory Planning Controls

The proposal has been assessed in accordance with the following instruments and controls:

- *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2021*;
- State Environmental Planning Policies;
- Pittwater Local Environmental Plan 2014; and
- Pittwater Development Control Plan 21.

4.1 *Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)*

The EP&A Act 1979 governs all environmental planning instruments within New South Wales. The proposal has been reviewed pursuant to the matters for consideration within Section 4.15 of the EP&A Act 1979.

The proposal is not Designated Development under Section 4.10 of the EP&A Act 1979 or Schedule 3 of the EPA Assessment Regulation 2021, therefore Northern Beaches Council is the Consent Authority. In addition, the proposal does not constitute an Integrated Development under the EP&A Act 1979, Section 4.46 with no further approvals from other Government agencies required.

4.2 State Environmental Planning Policies (SEPPs)

SEPP (Transport and Infrastructure) 2021

It is submitted that the proposal does not fall under the provisions of SEPP (Transport and Infrastructure) 2021 and therefore no assessment is required.

BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004

The proposal has been assessed in accordance with the relevant provisions of the BASIX and Energy Efficiency (SEPP Building Sustainability Index: BASIX) 2004. The proposal is supported by a BASIX Certificate which confirms compliance with the relevant requirements for Water and Energy.

SEPP (Resilience and Hazards) 2021

Chapter 4 of the SEPP (Resilience and Hazards) 2021 requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

4.6 *Contamination and remediation to be considered in determining development application*

*(1) A consent authority must not consent to the carrying out of any development on land unless—
(a) it has considered whether the land is contaminated, and*

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

It is submitted that the site has been used as residential accommodation for decades. The builder/contractors should take all measures to ensure if contamination is found during construction that relevant procedures are followed to report and remove contaminated materials. A site inspection was undertaken with no evidence of landfill on the site. It is our professional opinion that no further studies are required with this application and the site is low risk.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to various rescinded SEPPS that related to the preservation of trees and vegetation, koala habitat and bushland in urban areas.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose the removal of any significant vegetation. The proposal does not remove any trees or significant vegetation and will maintain the site and locality.

4.3 Pittwater Local Environmental Plan 2014 (PLEP2014)

The relevant matters to be considered under the PLEP2014 are outlined below in the LEP summary compliance table.

Part 1: Preliminary		
Standard	Control	Comments
1.2 Aims of Plan	<p>(2) The particular aims of this Plan are as follows—</p> <p>(a) to promote development in Pittwater that is economically, environmentally and socially sustainable,</p> <p>(b) to ensure development is consistent with the desired character of Pittwater’s localities,</p> <p>(c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,</p> <p>(d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,</p> <p>(e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,</p> <p>(f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,</p> <p>(g) to protect and enhance Pittwater’s natural environment and recreation areas,</p> <p>(h) to conserve Pittwater’s European and Aboriginal heritage,</p>	<p>Complies – the proposal has been skilfully designed by the project designer as alterations and additions to the original dwelling. The proposal enhances and creates a more functional dwelling for the occupants, while ensuring no adverse impacts to adjoining neighbours or the Mona Vale locality. The proposal is consistent with the streetscape and will complement the character of the area.</p>

	(i) to minimise risks to the community in areas subject to environmental hazards including climate change, (j) to protect and promote the health and well-being of current and future residents of Pittwater.	
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Part 4: Principal Development Standards			
Standard	Permitted	Proposed	Comments
4.1 Minimum subdivision lot size	700sqm	N/A	N/A
4.1AA Minimum subdivision lot size for community title schemes	N/A	N/A	N/A
4.1B Minimum lot sizes for dual occupancies	N/A	N/A	N/A
4.2 Rural subdivision	N/A	N/A	N/A
4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	N/A	N/A	N/A
4.3 Height of buildings	8.5m	7.25m	Complies
4.4 Floor space ratio	N/A	N/A	N/A
4.5 Calculation of floor space ratio and site area	Noted	N/A	Noted
4.5A Density controls for certain residential accommodation	N/A	N/A	N/A
4.6 Exceptions to development standards	Noted	N/A	N/A

Part 5: Miscellaneous Provisions	
Provisions	Comments
5.1 Relevant acquisition authority	N/A
5.1A Development on land intended to be acquired for a public purposes	N/A

5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	Complies – Clause 5.4(9) relates to the subject proposal. The proposal permits 60sqm for the purposes of the secondary dwelling.
5.5 (Repealed)	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9, 5.9AA (Repealed)	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A
5.14 Siding Spring Observatory – maintaining dark sky	N/A
5.15 Defence communications facility	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones	N/A
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18 Intensive livestock agriculture	N/A
5.19 Pond-based, tank-based and oyster aquaculture	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	N/A
5.21 Flood Planning	The site is identified as flood prone land. Refer to assessment under Heading 5.21 after this table.
5.22 Special Flood Considerations	N/A
5.23 Public Bushland	N/A
5.24 Farm stay accommodation	N/A
5.25 Farm gate premises	N/A

Part 6: Urban Release Areas	
Provisions	Comments
6.1 to 6.2	N/A – the site is not located within an urban release area.

Part 7: Relevant Additional Local Provisions	
Provisions	Comments
7.1 Acid sulfate soils	The site is identified as Class 5 Acid Sulfate Soils. Refer to assessment under 7.1 Acid Sulfate Soils below table.
7.2 Earthworks	The proposal does not include any major excavation works. Refer to assessment under 7.2 Earthworks.
7.3 (Repealed)	N/A
7.4 Floodplain risk management	Not applicable.
7.5 Coastal risk planning	N/A – the proposal is not identified in the areas highlighted as coastal risk planning.
7.6 Biodiversity	N/A – the site is not identified on the biodiversity values map.
7.7 Geotechnical hazards	N/A - the proposal is not identified within the geotechnical hazards map.
7.8 Limited development on foreshore area	N/A
7.9 Residual lots	N/A
7.10 Essential service	Complies – the site has adequate access to the relevant essential services.
7.11 Converting serviced apartments to residential flat buildings	N/A
7.12 Location of sex service premises	N/A

Relevant Schedules	
Schedule	Comments
Schedule 1 – Additional permitted uses	N/A
Schedule 2 – Exempt development	N/A
Schedule 3 – Complying development	N/A
Schedule 4 – Classification and reclassification of public land	N/A
Schedule 5 – Environmental heritage	N/A
Schedule 6 – Pond-based and tank-based aquaculture	N/A

Zoning Provisions



Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

The proposed use is defined as follows under PLEP2014:

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note—See clauses 5.4 and 5.5 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

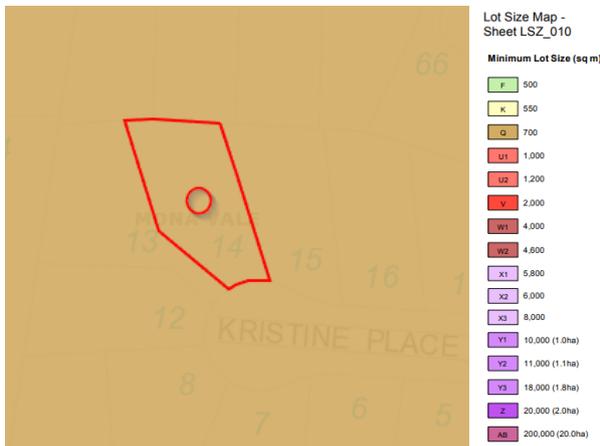
Comment:

The site is zoned R2 Low Density Residential. A dwelling house and secondary dwelling are permissible land uses; therefore, the proposed alterations and additions and construction of a secondary dwelling are permissible with the Council’s consent. The proposal is consistent with the objectives of the zone, as supported below:

- The proposal provides a low-impact residential development within the Mona Vale locality.
- The proposal encourages the revitalisation and rehabilitation of the existing site while retaining the aesthetic values, ecological aspects of the area.
- The proposal has been strategically designed to sit in the topography of the land to minimise bulk, scale and amenity impacts to adjoining neighbours such as privacy, and access to sunlight.
- The proposal provides additional residential accommodation in Mona Vale through the proposed alterations and additions and the construction of a secondary dwelling.

Part 4 Principal development standards

4.1 Minimum subdivision lot size



(1) *The objectives of this clause are as follows—*

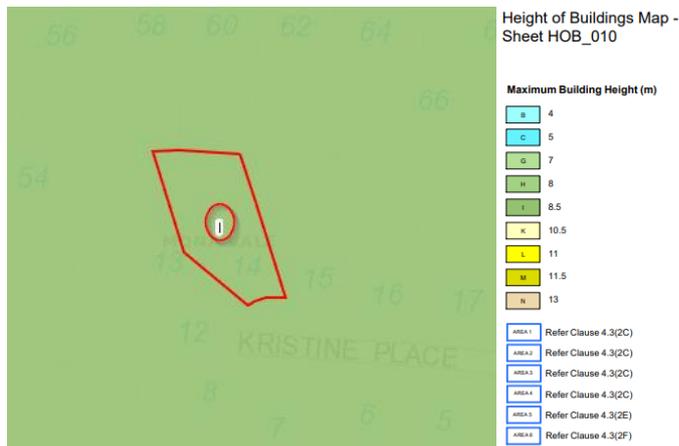
- (a) to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*
- (b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*
- (c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*
- (d) to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*
- (e) to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*
- (f) to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*

- (g) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
 - (b) by any kind of subdivision under the Community Land Development Act 1989.

Comment:

Not applicable - the site has a minimum subdivision lot size of 700sqm. The proposal does not include any subdivision works; therefore Clause 4.1 is not applicable to the assessment.

4.3 Height of buildings



- (1) The objectives of this clause are as follows—
- (a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
 - (b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
 - (c) to minimise any overshadowing of neighbouring properties,
 - (d) to allow for the reasonable sharing of views,
 - (e) to encourage buildings that are designed to respond sensitively to the natural topography,
 - (f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), development on land—

(a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and
(b) that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map,
may exceed a height of 8.5 metres, but not be more than 8.0 metres above the flood planning level.

(2B) Despite subclause (2), development on land—

(a) at or below the flood planning level or identified as “Coastal Erosion/Wave Inundation” on the Coastal Risk Planning Map, and
(b) that has a maximum building height of 11 metres shown for that land on the Height of Buildings Map,
may exceed a height of 11 metres, but not be more than 10.5 metres above the flood planning level.

(2C) Despite subclause (2), development on an area of land shown in Column 1 of the table to this subclause and identified as such on the Height of Buildings Map, may exceed the maximum building height shown on the Height of Buildings Map for that land, if the height of the development is not greater than the height shown opposite that area in Column 2.

Column 1 Column 2

Area Maximum height above the flood planning level

Area 1 11.5 metres

Area 2 8.5 metres on the street frontage and 10.5 metres at the rear

Area 3 8.5 metres

Area 4 7.0 metres

(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—

- (a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and
- (b) the objectives of this clause are achieved, and
- (c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and
- (d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.

(2E) Despite subclause (2), development for the purposes of shop top housing on land identified as “Area 5” on the Height of Buildings Map may have a height of up to 10 metres if the top floor of the building is setback a minimum of 6 metres from the boundary to the primary street frontage.

(2F) Despite subclause (2), development on land identified as “Area 6” on the Height of Buildings Map must not exceed 8.5 metres within the area that is 12.5 metres measured from the boundary of any property fronting Orchard Street, Macpherson Street, Warriewood Road or Garden Street.

(2FA) Despite subclause (2), the maximum height for a secondary dwelling or a rural worker’s dwelling in Zone E4 Environmental Living or Zone RU2 Rural Landscape is 5.5 metres if the secondary dwelling or rural worker’s dwelling is separate from the principal dwelling.

(2FB) Despite subclause (2), in the case of a dual occupancy (detached), the maximum height for the dwelling that is furthest back from the primary street frontage of the lot is 5.5 metres.

(2G) In this clause—

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard, or other freeboard determined by an adopted floodplain risk management plan.

floodplain risk management plan has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0), published in 2005 by the NSW Government.

Comment:

Complies - the site has a maximum building height provision of 8.5m. The proposal has been designed to maximise amenity for the secondary dwelling with a maximum proposed building height of 7.25m. In this regard, the proposal meets the objectives of Clause 4.3 as follows:

- The proposal is consistent with the height and scale of Kristine Place and consistent with the desired character of the locality
- The proposal is consistent with the streetscape and bulk and scale of Kristine Place. The proposal has been designed with a compliant building height and large setbacks to the first floor which ensure compliance with side boundary envelope.
- The proposal has been designed to minimise any impacts to neighbouring properties which adequate access to sunlight and no visual amenity impacts
- The proposal has been designed with regards to the flood impacts to the site, regardless, the height is well under the 8.5m allowance.

4.4 Floor space ratio

Comment: Not applicable.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

- (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- Note—** When this Plan was made it did not include all of these zones.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4.

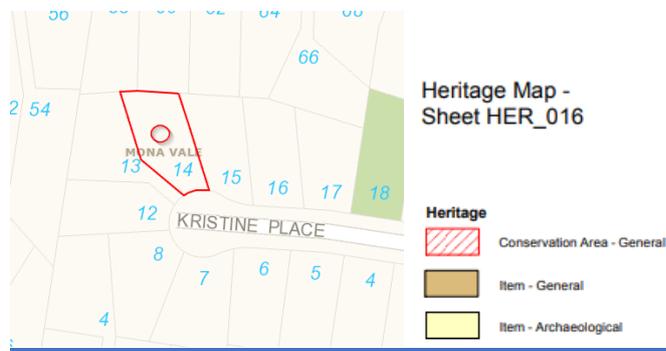
Comment:

Not applicable – the proposal complies with relevant Development Standards.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.



(1) **Objectives** The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Pittwater,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment:

Not applicable – the site is not identified as a heritage item nor is it located within a conservation area.

5.4 Controls relating to miscellaneous permissible uses

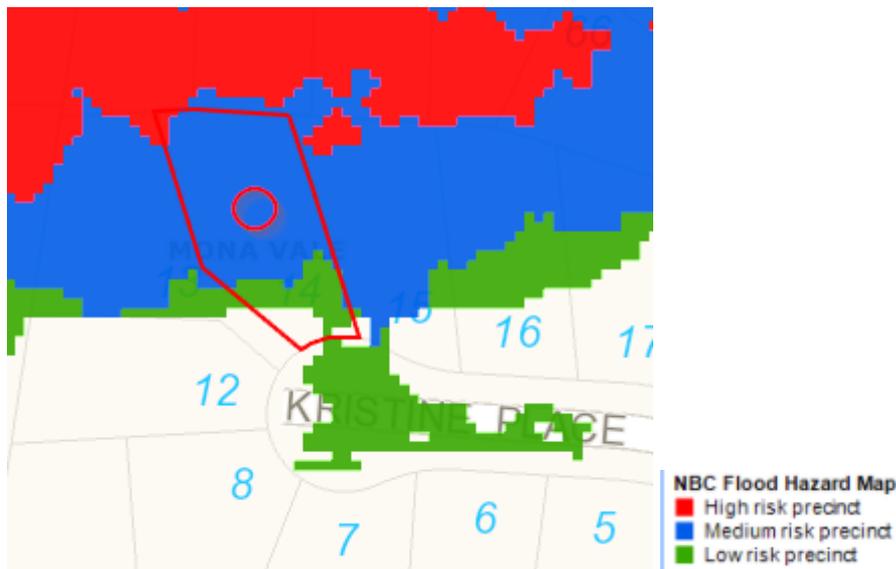
(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 25% of the total floor area of the principal dwelling.

Comment:

Complies – the proposal allows for a maximum floor area of 60sqm for the secondary dwelling.

5.21 Flood planning



(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

***Considering Flooding in Land Use Planning Guideline** means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.*

***flood planning area** has the same meaning as it has in the Floodplain Development Manual.*

***Floodplain Development Manual** means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.*

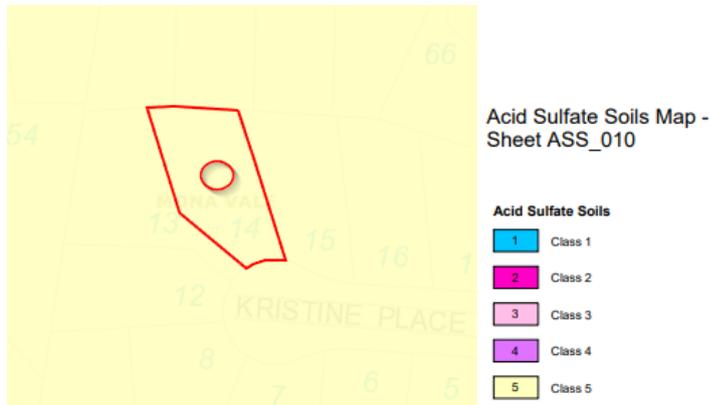
Comment:

The site is identified as a low to high flood risk land, noting that the majority of proposal will occur in the medium risk portion of the site. A flood impact report prepared by GEBA Consulting is submitted with the application package, with concluding comments noting:

The proposed alterations and additions as presented in this Flood Management Report will meet the requirements of Department of Planning's 'Floodplain Development Manual', Northern Beaches Council's Flood requirements as specified in 'Northern Beaches Council – Pittwater 21 DCP, provided that all procedures and recommendations presented in this report are implemented.

Part 7 Additional local provisions

7.1 Acid sulfate soils



(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	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.

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

- (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*
- (c) minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—*
 - (a) the works involve the disturbance of less than 1 tonne of soil, and*
 - (b) the works are not likely to lower the watertable.*

Comment:

The site is identified as Class 5 Acid Sulfate Soils. The proposal does not include any major excavation works which would trigger the requirements of an acid sulfate soils management plan.

7.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless—*
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
 - (b) the effect of the development on the likely future use or redevelopment of the land,*
 - (c) the quality of the fill or the soil to be excavated, or both,*
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,*
 - (e) the source of any fill material and the destination of any excavated material,*
 - (f) the likelihood of disturbing relics,*
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,*
 - (i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.*

(4) In this clause—

***environmentally sensitive area** has the same meaning as environmentally sensitive area for exempt or complying development in clause 3.3.*

***Note—** The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.*

Comment: Complies – the proposed works do not include any major excavation or disturbance of the site, therefore it is our professional opinion that the proposal complies with the objective of Clause 7.2.

7.4 Floodplain risk management

(1) *The objectives of this clause are as follows—*

- (a) *in relation to development with particular evacuation or emergency response issues—to enable evacuation of land subject to flooding in events exceeding the flood planning level,*
- (b) *to protect the operational capacity of emergency response facilities and critical infrastructure during extreme flood events.*

Comment:

Not applicable – the proposal has been assessed under Clause 5.21 Flood Planning.

7.6 Biodiversity



(1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—*

- (a) *protecting native fauna and flora, and*
- (b) *protecting the ecological processes necessary for their continued existence, and*
- (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) *This clause applies to land identified as “Biodiversity” on the [Biodiversity Map](#).*

(3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*

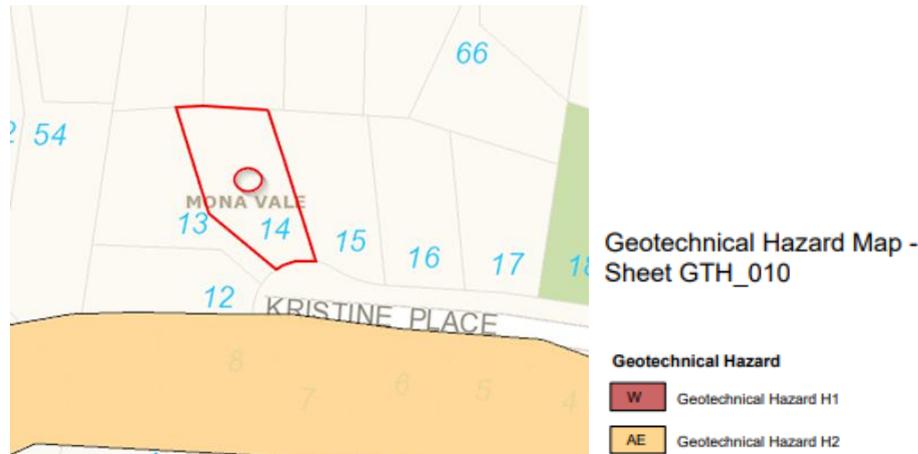
- (a) *whether the development is likely to have—*
 - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: Not applicable - The site is not identified on within the biodiversity map.

7.7 Geotechnical hazards



(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—

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

(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—

- (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.

(4) Development consent must not be granted to development on land to which this clause applies unless—

- (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and
- (b) the consent authority is satisfied that—
 - (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or
 - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or
 - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.

Comment:

The site is not located within the geotechnical hazard map. The proposal has been designed to minimise excavation requirements, therefore no impacts to the geotechnical stability of the site or adjoining properties.

7.10 Essential services

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.*

Comment:

Complies – the proposal will utilise existing essential services available to the site.

General

The site is not identified on the following maps within PLEP2014:

- Land Reservation Acquisition Map
- Heritage Map
- Coastal Risk Planning Map
- Floor Space Ratio Map
- Urban Release Area Map

4.4 Pittwater Development Control Plan (PDCP21)

In designing the built form, due consideration must be given to the respective sections and objectives of PDCP, in particular:

- Section A Shaping Development in Pittwater
- Section B General Controls
- Section C Development Control Types
- Section D Locality Specific Development Controls

Key components of the DCP have been detailed in the table below.

Section A Shaping Development in Pittwater		
Control	Proposed	Compliance
<p>A4.9 Mona Vale Locality <u>Desired Character</u></p> <p><i>The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.</i></p> <p><i>Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.</i></p> <p><i>Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth</i></p>	<p>The proposal has been strategically designed by the project architect and the client with a view to provide functional improvements to the existing dwelling with minimal impact to the adjoining neighbours.</p> <p>The proposal complies with the desired character of the Mona Vale locality and therefore warrants approval, as submitted.</p>	<p>Yes</p>

within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

<p><i>Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.</i></p>		
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Section B General Controls		
Control	Proposed	Compliance
B1 Heritage Controls		
B1.1-1.4	Not applicable – the site is not identified as a heritage item or within a heritage conservation area, nor does it adjoin or will impact a heritage item.	N/A
B2 Density Controls		
B2.1-B2.6	Not applicable – the proposal does not include Torrens or strata subdivision	N/A
B3 Hazard Controls		
<p>B3.1 Landslip Hazard <i>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</i></p> <p><i>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</i></p> <p><i>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of</i></p>	Not applicable – the proposal does not involve major excavation works nor is the site located on the geotechnical hazards map.	Yes

<i>risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</i>		
B3.2 Bushfire Hazard <i>Controls</i> <i>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.</i>	Not applicable - the site is not identified as bushfire prone land.	N/A
B3.11 Flood Prone Land <i>Requirements</i> <i>1. Development must comply with the prescriptive controls set out in the Matrix below. Where a property is affected by more than one Flood Risk Precinct, or has varying Flood Life Hazard Category across it, the assessment must consider the controls relevant at each location on the property.</i> <i>2. Development on flood prone land requires the preparation of a Flood Management Report by a suitably qualified professional.</i>	The site is identified as low to high risk flood prone land. The application is supported by a flood impact assessment report by GEBA Consulting.	Yes
B4 Controls Relating to the Natural Environment		
B4.1-B4.22	Not applicable.	Yes
B5 Water Management		
B5.15 Stormwater Objectives <ul style="list-style-type: none"> • <i>Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;</i> • <i>Minimise the risk to public health and safety;</i> • <i>Reduce the risk to life and property from any flooding and groundwater damage;</i> • <i>Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise</i> 	A stormwater management plan is provided with the DA package.	Yes

<p><i>liveability and reduce the impacts of climate change.</i></p> <ul style="list-style-type: none"> <i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle</i> <i>Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources</i> <i>Protect Council’s stormwater drainage assets during development works and to ensure Council’s drainage rights are not compromised by development activities.</i> <p>Requirements <i>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.</i> <i>The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council’s Water Management for Development Policy.</i></p>		
<p>B6 Access and Parking</p>		
<p>B6.3 Off-Street Vehicle Parking Requirements Outcomes <i>An adequate number of parking and service spaces that meets the demands generated by the development.</i> <i>Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.</i> <i>Safe and convenient parking.</i> Controls <i>The minimum number of vehicle parking spaces to be provided for off-street parking</i></p>	<p>The proposal removes the existing carparking within the double garage and proposes a single garage and hard stand space behind the 6.5m front setback requirement.</p>	<p>Yes</p>

<p><i>is as follows for dual occupancies, dwelling houses, secondary dwellings, exhibition homes, rural workers' dwellings and tourist and visitor accommodation:</i></p> <p><i>2 bedrooms or more - 2 spaces</i></p> <p><i>For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).</i></p>		
<p>B8 Site Works Management</p>		
<p>B8.1 Construction and Demolition - Excavation and Landfill Controls</p> <p><i>Excavation and landfill on any site that includes the following:</i></p> <ul style="list-style-type: none"> • <i>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;</i> • <i>Any excavation greater than 1.5 metres deep below the existing surface;</i> • <i>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;</i> • <i>Any landfill greater than 1.0 metres in height; and/or</i> • <i>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,</i> <p><i>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural</i></p>	<p>The proposal does not include any excavation or landfill that trigger the need for a geotechnical assessment.</p>	<p>Yes</p>

<i>Engineer with the detail design for the Construction Certificate.</i>		
<p>B8.3 Construction and Demolition - Waste Minimisation</p> <p><i>Controls</i></p> <p><i>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.</i></p>	The application is supported by a waste management plan.	Yes
<p>B8.4 Construction and Demolition - Site Fencing and Security</p> <p><i>Controls</i></p> <p><i>All sites are to be protected by site fencing for the duration of the works.</i></p>	The site will be fenced off during the construction process.	Yes
<p>B8.5 Construction and Demolition - Works in the Public Domain</p> <p><i>Controls</i></p> <p><i>All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.</i></p> <p><i>All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.</i></p> <p><i>All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.</i></p>	The proposal will not include works within the public domain.	Yes
<p>B8.6 Construction and Demolition - Traffic Management Plan</p> <p><i>Controls</i></p> <p><i>For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m³ 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.</i></p> <p><i>All transport works must not cause adverse</i></p>	Not applicable.	N/A

<i>disruption or nuisance to adjoining residences, businesses or the street system.</i>		
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Section C Development Type Controls

Control	Proposed	Compliance
C1 Design Criteria for Residential Development		
<p>C1.1 Landscaping Controls <i>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</i></p> <p><i>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.</i></p> <p><i>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</i></p> <p><i>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</i></p> <p><i>The following soil depths are required in order to be counted as landscaping:</i></p>	<p>Complies – the proposal enhances the existing landscaping on-site and includes a new planter roof area to integrate the new alterations and additions to the existing landscape. The proposal does include a minor reduction of landscaping to accommodate the hard stand car space. This is considered to be inconsequential to the entire development, with an enhancement through planters on the southern and eastern elevations.</p>	<p>Yes</p>

<ul style="list-style-type: none"> • 300mm for lawn • 600mm for shrubs • 1metre for trees <p><i>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</i></p> <ul style="list-style-type: none"> • <i>A planter or landscaped area with minimum dimensions of 4m² for shop top housing developments,</i> • <i>60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</i> • <i>50% for all other forms of residential development.</i> <p><i>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</i></p> <p><i>In bushfire prone areas, species shall be appropriate to the bushfire hazard.</i></p> <p><i>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</i></p> <p><i>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</i></p> <p><i>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</i></p> <p><i>Noxious and undesirable plants must be removed from the site</i></p>		
<p>C1.2 Safety and Security Controls <i>There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of</i></p>	<p>The proposed alterations and additions have been designed to comply with the four principles of CPTED.</p>	<p>Yes</p>

<p><i>development applications to minimise the opportunity for crime</i></p>		
<p>C1.3 View Sharing <i>Controls</i> <i>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</i></p> <p><i>The proposal must demonstrate that view sharing is achieved though the application of the Land and Environment Court's planning principles for view sharing.</i></p> <p><i>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.</i></p> <p><i>Views are not to be obtained at the expense of native vegetation.</i></p>	<p>The proposal is for alterations and additions which do not impact any view corridors.</p>	<p>Yes</p>
<p>C1.4 Solar Access <i>Controls</i> <i>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.</i></p> <p><i>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).</i></p> <p><i>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</i></p> <p><i>Developments should maximise sunshine to clothes drying areas of the proposed</i></p>	<p>The proposed alterations and additions have been designed to enhance the existing dwelling for a more usable and efficient dwelling for the owners. The proposal will have negligible impact to the adjoining neighbour.</p> <p>The proposal will not have adverse solar impacts due to the strategic design of the new dwelling at a maximum building height of 7.25m.</p> <p>The proposal does not impact the solar access of the adjoining neighbours.</p> <p>Refer to shadow diagrams prepared by Canvas Architecture and Design.</p>	<p>Yes</p>

<p><i>development or adjoining dwellings.</i></p> <p><i>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</i></p>		
<p>C1.5 Visual Privacy Controls <i>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 as shown in the diagram below (measured from a height of 1.7 metres above floor level).</i></p> <p><i>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.</i></p> <p><i>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</i></p> <p><i>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</i></p> <ul style="list-style-type: none"> • <i>vegetation/landscaping</i> • <i>a window sill height 1.7 metres above floor level, or</i> • <i>offset windows</i> • <i>fixed translucent glazing in any part below 1.7 metres above floor level, or</i> • <i>solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:</i> <ul style="list-style-type: none"> • <i>permanent and fixed;</i> • <i>made of durable materials; and</i> • <i>designed and painted or coloured to blend in with the dwelling.</i> 	<p>The proposed alterations and additions include a mix of high sill windows and windows setback behind the large first floor setbacks with planters to minimise any privacy impacts to the adjoining dwellings.</p> <p>The proposed windows will have no direct lines overlooking adjoining properties.</p> <p>The proposed alterations and additions will have no adverse visual privacy impacts to the adjoining neighbours.</p>	<p>Yes</p>

<p>C1.6 Acoustic Privacy <i>Controls</i> <i>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.</i></p> <p><i>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</i></p> <p><i>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</i></p> <p><i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i></p>	<p>The subject development will not impact the acoustic amenity of the occupants nor will it impact the amenity of adjoining neighbours.</p>	<p>Yes</p>
<p>C1.7 Private Open Space <i>Controls</i> <i>Private open space shall be provided as follows:-</i></p> <p><i><u>a) Dwelling houses, attached dwellings, semi-detached dwellings, and dual occupancies:-</u></i></p> <p><i>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</i></p> <p><i>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</i></p>	<p>The proposed alterations and additions for a secondary dwelling includes a courtyard off the living area and a deck off the first-floor study. The proposal has been strategically designed by the project architect to maintain the existing private open space of the dwelling while providing provision of open space for the new secondary dwelling. Further, utilization of the rear open space can be utilised by both the occupants of the dwelling house and the secondary dwelling. On this basis, the site has adequate private open space.</p>	<p>Yes</p>

<p><i>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.</i></p> <p><i>Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</i></p> <p><i>Private open space should be located to the rear of the dwelling to maximise privacy for occupants.</i></p> <p><i>Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</i></p> <p><i>A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.</i></p> <p><i>Private open space areas should include provision of clothes drying facilities, screened from the street or a public place. Shared clothes drying facilities are acceptable.</i></p> <p><i>An accessible and usable area for composting facilities within the ground level private open space is required.</i></p>		
<p>C1.9 Adaptable Housing and Accessibility</p>	<p>Not applicable.</p>	<p>N/A</p>

<p><i>Accessibility for all development</i></p> <p><i>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.</i></p> <p><i>Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.</i></p>		
<p>C1.12 Waste and Recycling Facilities Controls <i>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan</i></p>	<p>The application includes a Waste Management Plan as per Northern Beaches Councils requirements.</p>	<p>Yes</p>
<p>C1.13 Pollution Control Controls <i>Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.</i></p> <p><i>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</i></p>	<p>The proposal has been designed to minimise pollution and will be constructed and maintained in a proper and efficient manner to prevent air, water, noise and land pollution.</p>	<p>Yes</p>
<p>C1.14 Separately Accessible Structures Controls <i>A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:</i></p> <ul style="list-style-type: none"> <i>i. it is ancillary to a dwelling;</i> <i>ii. it is not designed for separate habitation and does not contain any cooking facilities.</i> 	<p>Not applicable.</p>	<p>N/A</p>

<p>C1.17 Swimming Pool Safety <i>Controls</i> <i>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.</i></p>	<p>Not applicable – no works to the existing swimming pool proposed.</p>	<p>N/A</p>
<p>C1.23 Eaves <i>Controls</i> <i>Dwellings shall incorporate eaves on all elevations.</i> <i>Eaves must be a minimum of 450mm in width, excluding any fascia/barge boards and gutters.</i></p>	<p>Merit assessment – this is an updated control. The proposal has been designed with adequate eaves with a new modern design consistent with approvals granted in the immediate area.</p>	<p>Yes</p>
<p>C1.24 Public Road Reserve - Landscaping and Infrastructure <i>Controls</i> <u><i>Landscaping General - All Development</i></u> <i>Landscaping within the public road reserve is to include street trees planted at 6m centres.</i> <i>Street trees are to be planted to encourage the free passage of pedestrians.</i> <i>Street trees should not interfere with existing powerlines.</i> <i>All existing trees over 3m in height and native vegetation within the road reserve areas are to be retained where practical. The existing trees are to be protected during the construction of works through temporary perimeter fencing that is 1.8m high.</i> <i>New tree plantings are to be a minimum 35 litre size with 1m x1m hole and backfilled with suitable planting medium.</i> <i>Trees are to be appropriately supported by</i></p>	<p>Not applicable.</p>	<p>N/A</p>

<p><i>two stakes (minimum 50mm x 50mm) with Hessian ties.</i></p> <p><i>To ensure a consistent streetscape the new tree plantings are to be the same as the existing adjacent street trees.</i></p> <p><i>Where appropriate, Council encourages the use of local endemic native species according to the list of local native species in Pittwater.</i></p> <p><i>Grassed areas are to be turfed with Couch species (weed free) and even grade to a maximum 4% grade.</i></p> <p><i>All work is subject to a Section 139 approval from Council.</i></p> <p><u><i>Dwelling Houses, Secondary Dwellings and Dual Occupancy</i></u></p> <p><i>The location of new landscaping (street trees) is not to hinder the future construction of a 1.5m wide footpath in location to be nominated by Council and is subject to a Section 139 approval from Council.</i></p>		
<p>C1.25 Plant, Equipment Boxes and Lift Over-Run</p> <p><i>Controls</i></p> <p><i>Where provided, plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air conditioning units on the roof of residential flat buildings and multi dwelling housing. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement.</i></p> <p><i>Locate and design all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks,</i></p>	<p>Not applicable.</p>	<p>N/A</p>

<i>driveway entry shutters, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.</i>		
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Section D Locality Specific Development Controls

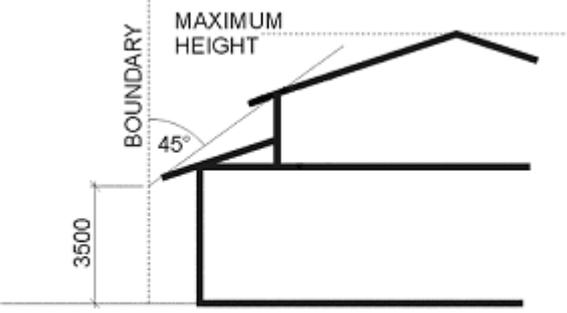
Control	Comments	Compliance
<u>D9 Mona Vale Locality</u>		
<p>D9.1 Character as viewed from a public place Controls</p> <p><i>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</i></p> <p><i>Walls without articulation shall not have a length greater than 8 metres to any street frontage.</i></p> <p><i>Any building facade to a public place must incorporate at least two of the following design features:</i></p> <p><i>entry feature or portico;</i> <i>awnings or other features over windows;</i> <i>verandahs, balconies or window box treatment to any first floor element;</i> <i>recessing or projecting architectural elements;</i> <i>open, deep verandahs; or</i> <i>verandahs, pergolas or similar features above garage doors.</i></p> <p><i>The bulk and scale of buildings must be minimised.</i></p> <p><i>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</i></p>	<p>Complies – The nature of the site results in minimal street frontage due to the cul-de-sac nature of the frontage which increases in width towards the rear of the site. The project architect has designed the alterations and additions for the secondary dwelling to ensure it compliments the existing streetscape of Kristine place and has no bulk and scale impacts. The streetscape assessment notes numerous structures for parking within the front setback areas. The proposal will have minimal impact with modern enhancements and planters to soften the proposed works.</p>	<p>Yes</p>

<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</i></p> <p><i>General service facilities must be located underground.</i></p> <p><i>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</i></p> <p><i>Variations</i></p>		
<p>D9.2 Scenic protection - General Controls <i>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.</i></p>	<p>Complies – the proposal has been strategically designed with varying building elements to enforce the natural landscape of the site, while creating further options to enhance the space. The planters help to soften any new works while maintaining as much of the existing landscaping as possible within the front setback.</p>	<p>Yes</p>
<p>D9.3 Building colours and materials Controls <i>External colours and materials shall be dark and earthy tones as shown below:</i></p> 	<p>Complies - The proposal has been designed with materials and colours that blend into the natural landscape of the site and Mona Vale locality.</p>	<p>Yes</p>

<p><i>White, light coloured, red or orange roofs and walls are not permitted:</i></p>  <p><i>Limited use of corporate colours may be permitted within Business and Light Industrial zoned land.</i></p> <p><i>Finishes are to be of a low reflectivity.</i></p> <p><i>Applications in commercial areas shall use the three elements of stone, timber and landscaping as feature elements to any facade presenting to the street.</i></p>		
<p>D9.6 Front building line</p> <p><i>Controls</i></p> <p><i>The minimum front building line shall be in accordance with the following table.</i></p> <p><i>All land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living NOT adjoining Barrenjoey Road, Mona Vale Road or Pittwater Road 6.5, or established building line, whichever is the greater.</i></p> <p><i>Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback.</i></p> <p><i>Where the outcomes of this control are achieved, Council may accept a minimum building setback to a secondary street of half the front building line.</i></p> <p><i>Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:</i></p> <p><i>considering established building lines;</i></p> <p><i>degree of cut and fill;</i></p> <p><i>retention of trees and vegetation;</i></p> <p><i>where it is difficult to achieve acceptable levels for building;</i></p> <p><i>for narrow or irregular shaped blocks;</i></p> <p><i>where the topographic features of the site need to be preserved;</i></p>	<p>Complies – the proposal has altered original plans to construct a single car garage that is compliant with front setback as per councils request at pre-lodgement. Further, as per the pre-lodgement notes, it was acknowledge that a hardstand car space could be accommodated if behind the front setback line.</p>	<p>Yes</p>

<p><i>where the depth of a property is less than 20 metres.</i></p> <p>Variations</p> <p><i>Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.</i></p> <p><i>Where the outcomes of this control are achieved, Council may, on land zoned Light Industrial, permit the following:</i></p> <p><i>vehicle turning and parking areas within the front building setback provided they are setback a minimum of 5 metres from Barrenjoey Road or 1.5 metres from other roads; and</i></p> <p><i>driveway entrances within the setback area other than for Barrenjoey Road; and</i></p> <p><i>a 2.5 metre reduction in the front building setback where parking is provided to the rear of the site, within the building, or is located where it is not readily visible from the street.</i></p> <p><i>On-site wastewater treatment systems and rainwater tanks are permitted within the front building setback provided that they do not exceed 1 metre in height above ground level (existing).</i></p>		
<p>D9.7 Side and rear building line</p> <p>Controls</p> <p><i>The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be in accordance with the following table:</i></p> <p><i>Land zoned R2 Low Density Residential, R3 Medium Density Residential, or E4 Environmental Living</i></p> <p><i>2.5 to at least one side; 1.0 for other side</i></p> <p><i>6.5 rear (other than where the foreshore building line applies)</i></p> <p><i>Dual Occupancy</i></p>	<p>Merit Assessment – The proposal intends to retain the existing building line to the eastern side boundary of 0.994m. It is noted this is a minor variation to the 1m requirement.</p> <p>The western side setback and rear setbacks both comply as required.</p>	<p>Yes – Merit Assessment</p>

<p><i>2.5 to at least one side; 1.0 for other side</i></p> <p><i>6.5 rear (other than where the foreshore building line applies)</i></p> <p><i>Secondary Dwelling</i></p> <p><i>2.5 to at least one side; 1.0 for other side</i></p> <p><i>6.5 rear (other than where the foreshore building line applies)</i></p> <p><i>Residential flat buildings and multi dwelling housing: Land zoned B1 Neighbourhood Centre, B4 Mixed Use, or IN2 Light Industrial adjoining land zoned R2 Low Density Residential, R3 Medium Density Residential, E4 Environmental Living, RE1 Public recreation, RE2 Private Recreation, or E2 Environmental Conservation</i></p> <p><i>3.0 along that adjoining side or rear boundary</i></p> <p><i>For residential flat buildings and multi dwelling housing:</i></p> <p><i>Where the wall height is 3 metres or less, the minimum side and rear boundary setback shall be 3 metres.</i></p> <p><i>Where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:</i></p> <p><i>where</i> <i>S = the distance in metres</i> <i>H = the height of the wall at that point measured in metres above existing ground level</i></p> <p><i>Variations</i> <i>For swimming pools and spas a 1m minimum setback from the boundary to the pool coping may be permitted subject to the following:</i></p>		
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<ul style="list-style-type: none"> • <i>satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and</i> • <i>Council is satisfied that the adjoining properties will not be adversely affected, and</i> • <i>the pool or spa is not more than 1m above ground level (existing), and</i> • <i>that the outcomes of this clause are achieved without strict adherence to the standards, and</i> • <i>where the site constraints make strict adherence to the setback impractical, and</i> • <i>where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.</i> 		
<p>D9.9 Building envelope <i>Controls</i> <i>Buildings are to be sited within the following envelope:</i></p>  <p style="text-align: center;">STREET FRONTAGE</p> <p><i>Residential flat buildings and multi dwelling housing</i></p> <p><i>Planes are to be projected at 45 degrees from a height of 4.2 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).</i></p> <p><i>Development other than residential flat buildings and multi dwelling housing:</i></p>	<p>Complies – the proposal has been designed with a maximum 7.25m building height which steps in from the side boundary with the provision of a planter to the eastern and southern elevations, therefore complying with the building envelope requirements.</p>	<p>Yes</p>

<p><i>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 (refer to Pittwater Local Environmental Plan 2014).</i></p>		
<p>D9.10 Landscaped Area Controls <i>The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.</i></p> <p><i>The use of porous materials and finishes is encouraged where appropriate.</i></p> <p><i>Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.</i></p> <p>Split Zones <i>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total landscaped area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure. It will not be based on the site area of the whole lot.</i></p>	<p>Merit Assessment – the proposal slightly reduces existing landscaping along the driveway by 9.5sqm to accommodate a single hardstand car space. It is our professional opinion that the provision of an additional 26.15sqm through a planter on the first floor far outweighs the minor reduction along the driveway which will not be noticeable from the street.</p>	<p>Yes - Merit Assessment</p>
<p>D9.12 Fences - General Controls <i>a. Front fences and side fences (within the front building setback)</i></p> <p><i>Front and side fences (within the front building setback) shall:</i></p> <p><i>not exceed a maximum height of 1 metre above existing ground level, be compatible with the streetscape character, and not obstruct views available from the road.</i></p> <p><i>Fences are to be constructed of open, see-through, dark-coloured materials.</i></p> <p><i>Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along</i></p>	<p>Not applicable.</p>	<p>N/A</p>

<p><i>the roadway, for vehicles and pedestrians exiting the site.</i></p> <p><i>Original stone fences or stone fence posts shall be conserved.</i></p> <p><i>b. Rear fences and side fences (to the front building line)</i></p> <p><i>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</i></p> <p><i>c. Rear fences to land zoned RE1 Public Recreation or E2 Environmental Conservation abutting the Pacific Ocean</i></p> <p><i>Fencing is to be constructed of open, see-through, dark-coloured materials and shall have a maximum height of 1.8 metres.</i></p> <p><i>d. Fencing adjoining Pittwater Waterway</i></p> <p><i>Fences are to be setback 3 metres from the property boundary adjacent to the waterway, and shall have a maximum height of 1.8 metres.</i></p> <p><i>Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.</i></p> <p><i>e. Corner lots or lots with more than one frontage</i></p> <p><i>Applicants shall nominate their side, rear and front boundaries if fences are proposed.</i></p> <p><i>f) Fencing on land on Council's Flood Hazard Maps</i></p> <p><i>No masonry fences will be permitted on land identified in High Flood Hazard Areas or on land within a Floodway.</i></p> <p><i>All fences in High Flood Hazard Areas or within a Floodway are to be constructed in 'open' materials, for the full height of the fence, to allow for the passage of floodwaters through the fence.</i></p>		
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<p><i>Variations</i></p> <p><i>Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres may be considered where the main private open space is in front of the dwelling, the lot is a corner lot or has more than one frontage or the site is located on a main road with high traffic noise. In such instances, front fencing shall:</i></p> <p><i>be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merits); and</i></p> <p><i>be articulated to provide visual interest and further opportunities for landscaping, and</i></p> <p><i>be screened by landscaping within the setback area; and</i></p> <p><i>not restrict casual visual surveillance of the street, and</i></p> <p><i>provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres; and</i></p> <p><i>50% or more of the fence is transparent.</i></p> <p><i>See also controls relating to gated access points in Part B: Access Driveways and Offstreet Parking</i></p> <p><i>Provided the outcomes of this control are achieved, where fencing exceeds more than 1m in height and abuts a public road, a boundary setback less than the height of the fence may be considered based on merits.</i></p>		
<p>D9.14 Construction, Retaining walls, terracing and undercroft areas</p> <p><i>Controls</i></p> <p><i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</i></p> <p><i>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</i></p>	<p>Not applicable – no retaining walls, undercrofts or terracing proposed.</p>	<p>Yes</p>

In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.

Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.

5. Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(a) The provisions of:

(i) *The provision of any Environmental Planning Instrument*

Comment: The proposal is permissible and consistent with the intent of the Pittwater Local Environmental Plan and Development Control Plan as they are reasonably applied to the proposed works given the constraints imposed by the sites location, topography and environmental constraints.

(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*

Comment: Not applicable.

(iii) *Any development control plan*

Comment: The proposal has been reviewed and assessed under Pittwater Development Control Plan 21.

(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*

Comment: Not applicable.

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

Comment: Not applicable.

(v) *(repealed)*

(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,

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*

Comment: The proposed alterations and additions are consistent with recent approvals granted in the Mona Vale precinct and consistent with neighbouring developments with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

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*

Comment: These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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*

Comment: The proposal retains the existing access with a new single car garage and hardstand parking area provided with the proposal. Therefore, retaining two car spaces for the site.

Public Domain

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

Utilities

Comment: Existing utility services will connect to service the dwelling.

Flora and Fauna

Comment: The proposal does not have an adverse impact to flora or fauna. The proposal intends to enhance the existing landscaping approved on the site.

Waste Collection

Comment: Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

Comment: The site is identified as flood prone land. The application is supported by a flood impact assessment report by GEBA Consulting.

Economic Impact in the locality

Comment: The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

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*

Comment: 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*

Comment: The proposed development can 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*

Comment: The proposal will employ 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*

Comment: The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause unmanageable levels of transport demand with the existing use of a dwelling house to be retained.

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

Comment: No submissions are available at this time.

(e) The public interest

Comment: The proposed works are permissible and consistent with the intent of PLEP2014 and PDPC21 controls as they are reasonably applied to the proposed alterations and additions to the existing dwelling house and construction of a secondary dwelling. The development would not be contrary to the public interest.

In our opinion, the development satisfies the planning regime applicable to development on this particular site having regards to the considerations arising from its context.

The proposal is acceptable when assessed against the heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (as amended), and is appropriate for the granting of consent and accordingly, is in the public interest.

6. Summary and Conclusion

The proposal is for alterations and additions to the existing dwelling house and construction of a secondary dwelling at 14 Kristine Place, Mona Vale. The proposal is permissible and consistent with the intent of the built form controls as they are reasonably applied to the proposed works. It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The merits of the application have been assessed in accordance with the provisions of the relevant requirements of PLEP 2014 and the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979 (as amended)*. There is no evidence that the impacts of the development would warrant amendment to the subject proposal or justify refusal. Where a variation is proposed, adequate documentation has been provided to support the application.
- The nature of the development is appropriate having regard to the area of the site, its geographical location, topography, constraints and adjoining land uses.

Accordingly, the proposal for alterations and additions to the existing dwelling house and construction of a secondary dwelling at 14 Kristine Place, Mona Vale, being Lot 11 in DP 242690, is acceptable from environmental, social, and planning perspectives and approval should therefore be granted by Council.