

## STATEMENT OF ENVIRONMENTAL EFFECTS

In support of  
Strata Subdivision  
At  
5A and 5B Maybank Court Mona Vale



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## STATEMENT OF ENVIRONMENT EFFECTS

### 1. PRE-AMBLE

The following documentation is provided in accordance with the outlined deliverables relating to the request for a Statement of Environmental Effects in support of the Strata Subdivision of the approved Dual Occupancy at 5 Maybanke Court Mona Vale. Advice has been provided with a focus on the existing planning controls and consideration for past, present, and future planning regimes.

#### 1.1. Preliminaries

Request for Statement of Environmental Effects	Hugh Monnock
Site Street Address	5A and 5B Maybanke Court Mona Vale
Legal Identifier	Lot 11 and Lot 12 DP1011074
Total site area	913.5m <sup>2</sup>
Zone	R2 Low Density Residential
Local Government Area	Northern Beaches Council

#### 1.2. Executive Summary

This advice has been prepared by Project Flow on behalf of Hugh Monnock in relation to the potential Strata subdivision of the existing approved Dual Occupancy at 5A and 5B Maybanke Court Mona Vale. This advice addresses the relevant planning controls, planning proposals and other relevant planning data. The advice also reviews impacts and opportunities relating to State and Local EPI's and Draft EPI's in addition to the relevant DCP information and guidance.

Additionally, relevant strategic documents have been reviewed and their potential impacts and opportunities have been analysed. Finally, relevant recent planning approvals in a reasonable proximity to the site have also been reviewed and their impacts on the subject site have been identified. Project Flow has also made the following assumptions:

- This advice has been prepared without the benefit of viewing Council's physical DA files and property files as they relate to the site.

The bulk of this analysis has focused on the site controls and their relationships with a residential land uses and subdivision pattern. This statement does not seek to anticipate input from local or state authorities nor does it guarantee success of any application.

The proposal is subject to Council assessment and referrals to other stakeholders, together with issues that may arise that are not anticipated by the review. Notwithstanding, it is the intent of this document to create a possible road map and way forward for the development of the subject site.

### 2. THE PROPOSAL IN DETAIL

The applicant seeks approval for the strata subdivision of the existing approved Dual Occupancy at 5A and 5B Maybanke Court Mona Vale. Referring to Figures 1,2 and 3 overleaf, the proposal intends to create two Strata Title dwellings from the existing approved dual occupancy. No other works are proposed.

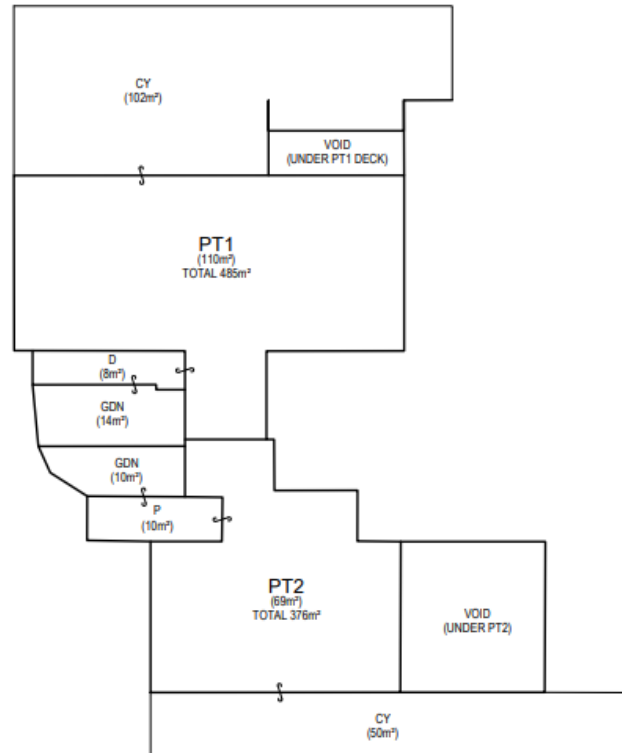


Figure 1: Ground Floor Plan

SOURCE: C and A Surveyors

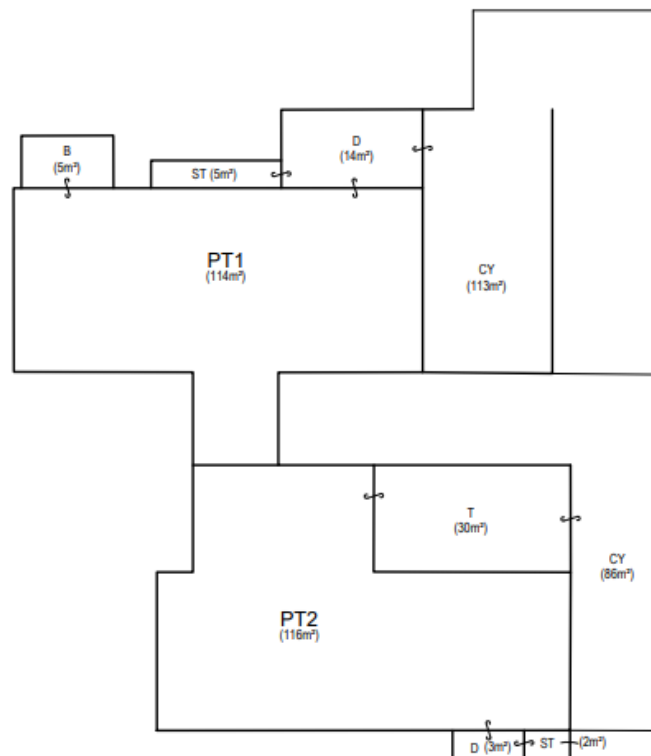


Figure 2: Ground Floor Plan

SOURCE: C and A Surveyors

### 3. THE SUBJECT SITE

The subject apartments are legally known as Lots 11 and 12, DP 1011074 and commonly referred to as 5A and 5B Maybanke Court Mona Vale. The configuration of the allotment is regular in shape with a driveway some south orientation, featuring equating to a site area of 913.5m<sup>2</sup>.



#### 4. SITE HISTORY

A review of Council records indicates that the dual occupancy was granted development consent on 19 August 2002, as part of Consent No. N0061/02.

#### 5. CLAUSE 4.15 THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

##### 5.1. The Provisions of any Environmental Planning Instrument (EPI)

##### 5.1.1. State Environmental Planning Policy No.55 - Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land, is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be 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.

The subject site has historically been used as a residential allotment for a significant period. No evidence of contamination was observed during inspection of the site.

As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

##### 5.1.2. State Environmental Planning Policy Infrastructure

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists)
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line
- includes installation of a swimming pool any part of which is in proximity of Infrastructure

This element of the assessment will be subject to referral to the relevant State bodies for comment. Any recommendations forthwith are requested to be included within any conditions of consent.

##### 5.1.3. Pittwater Local Environmental Plan 2014

The following elements of the LEP are applicable to the proposal:

#### PART 1 - PRELIMINARY

##### 1.2 Aims of the Plan

The proposal is consistent with the relevant aims of the plan as follows:

##### Aim

*To promote development in Pittwater that is economically, environmentally and socially sustainable,*

##### Response

The proposal allows for the site to continue to show consistency with this objective. The subdivision has a negligible impact on the site interaction with the surrounds and the built/natural environment. No further assessment is required in this regard.

##### Aim

*To ensure development is consistent with the desired character of Pittwater's localities,*

#### Response

This element will be addressed in the locality statement section of this report

#### Aim

*To encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*

#### Response

The proposal will allow the sit to function independently, thereby more easily allowing for flexibility and opportunity for ownership. The Strata title subdivision will allow the functionality of the site to be simplified. This intern assists in the sites contribution to the residential needs of the community.

## PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

### 2.6 Subdivision—consent requirements

*(1) Land to which this Plan applies may be subdivided, but only with development consent.*

This subject application satisfies this element of the Clause.

*(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.*

The proposal does not result I a primary and secondary dwelling on separate allotments.

## LAND USE TABLE

### R2 Low Density Residential Zone

#### Objectives of zone

The relevant objective of the zone is responded to as follows:

#### Objectives

- *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.*

The proposal responds appropriately to the low impact residential character of the locality and does not result in any impacts upon the values identified. The proposal also contributes to the maintaining of the objectives overall.

## PERMITTED WITH CONSENT

The proposal is identified as permissible with consent in the C4 Environmental Living Zone (Formerly E4).

## PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

STANDARD	REQUIRED	PROPOSED	COMMENT
Minimum Lot Size	700m <sup>2</sup>	913.5m <sup>2</sup>	No Change
Height of Buildings	8.5m	As approved	No Change
Floor Space Ratio	0.5:1	Not Adopted	Not Adopted

### 6.3. The provisions of any Draft Environmental Planning Instrument (EPI)

There are no Draft Environmental Planning controls relevant to the proposal.



#### 6.4. The provisions of any Development Control Plan (DCP)

The following development control plan is applicable to the development.

##### 6.4.1. Pittwater 21 Development Control Plan

The Pittwater Development Control Plan (DCP) applies to the land with the following chapters of particular relevance to the proposal:

#### A4 – LOCALITIES

##### 4.9 Mona Vale Locality

The following is a response to the relevant desired future character elements within the Locality statement.

#### Desired Character

*The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.*

#### Comment

The proposal allows the site to contribute to the mix of dwellings as identified

*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.*

#### Comment

As the built form is unchanged, the low-density character of the allotment is maintained. The locality of the dual occupancy remains appropriate.

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

#### Comment

This element is not applicable to the proposal.

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

#### Comment

This element is not applicable to the proposal.

*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.*

Comment

This element is not applicable to the proposal.

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

Comment

This element is not applicable to the proposal.

*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.*

Comment

The existing balance between flora and fauna, together with the existing topography and built form is maintained via the lack of building works. The existing functionality and interaction of the built form remains.

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

Comment

This element is not applicable to the proposal.

*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.*

Comment

This element is not applicable to the proposal.

## B2.2 SUBDIVISION - LOW DENSITY RESIDENTIAL AREAS

The following is a response to the desired outcomes of the controls  
*Achieve the desired future character of the locality.*

Response

This prerequisite has been satisfactorily demonstrated above.

*Maintenance of the existing environment.*

Response

There are no building works as this is a paper subdivision. The environment is maintained.

*Equitable preservation of views and vistas to and/or from public/private places.*

Response

Not applicable to the development

*The built form does not dominate the natural setting.*



Response

The built form remains as existing.

*Population density does not exceed the capacity of local and regional infrastructure and community services.*

Response

Not applicable to the development

*Population density does not exceed the capacity of local and regional transport facilities.*

Response

Not applicable to the development.

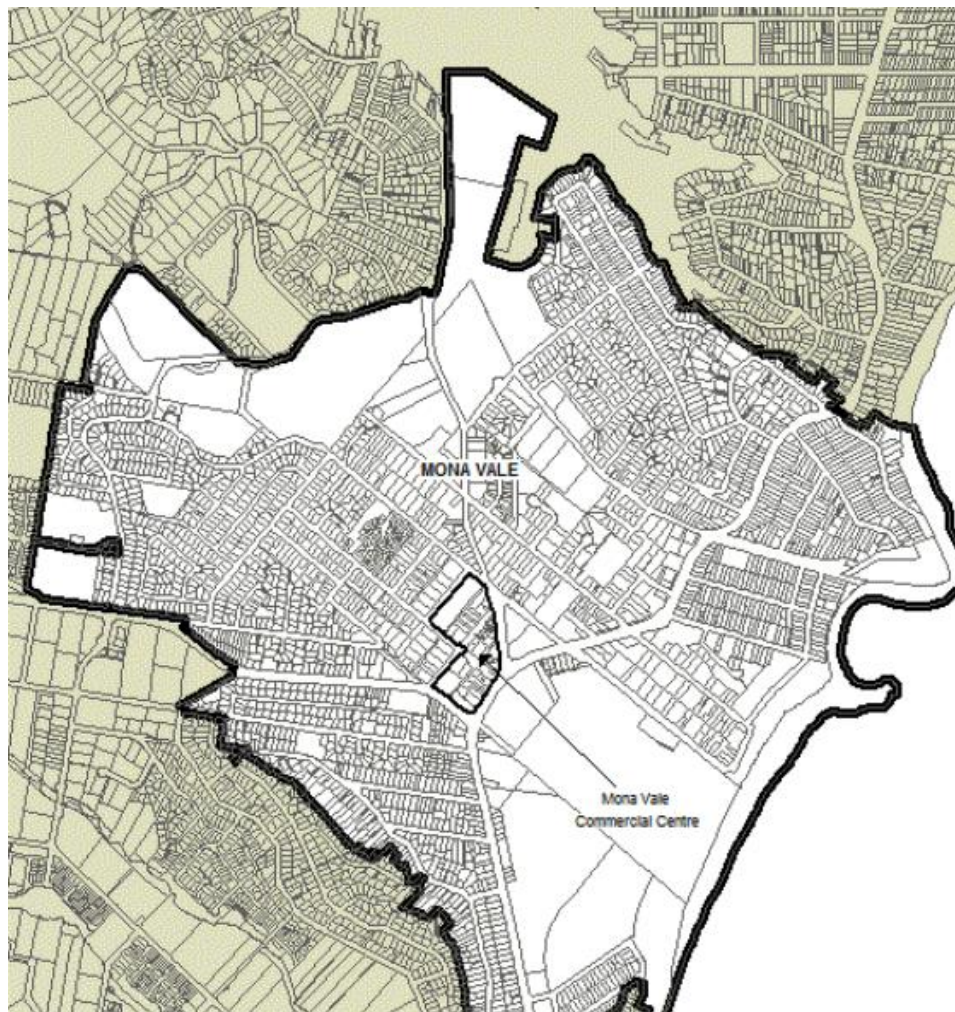


Figure 1: Map Extract Mona Vale Locality

Source Pittwater 21 DCP

Controls

REQUIRED	COMMENT
Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.	AS EXISTING
Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres.	NOT APPLICABLE

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 2 or 3 on the Landscaped Area Map shall have a minimum lot width at the building line of 15 metres.	NOT APPLICABLE
Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot width at the building line of 9 metres at the waterfrontage.	NOT APPLICABLE
Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.	COMPLIES
A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).	COMPLIES
The minimum area for building shall be 175m <sup>2</sup> .	COMPLIES

#### 6.5. Planning agreements or draft planning agreements

There are no planning agreements or draft planning agreements submitted under Section 93F that are relevant to this proposal.

#### 6.6. The Likely Impacts

##### Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of scenic protection and view maintenance, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

##### Social

The proposal maintains housing stock, allowing for a more diverse accommodation typology within the appropriate R2 Zone. This allows a more diverse population cross section to “settle and stay “within the Northern Beaches LGA.

The maintaining of choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an affordable alternative. The accommodation option adds to the available housing stock within the area and provide opportunities for more dwelling ownership. The proposal is consistent with the social requirements in these regards.

##### Economic

The provision of the housing opportunity within this appropriately zoned locality, will allow a contribution to the easing of housing pressure on potential homeowners whilst showing regard for the requirements of this R2 Zone.

#### 6.7. Site Suitability

The site suitability is indicated by the appropriate land use being located within the appropriate R2 Zone. The proposal has demonstrated compliance with the vast majority of the standards and controls together with a consistency of all underlying objectives of both State and Local policies.

The subject site is serviced by existing infrastructure, is easily accessible and is within a gentrified residential area. The proposal is an appropriate fit to the naturally developed character of the locality and will add a further unique land use and housing opportunity within this residential area. The application is considered acceptable with regards to suitability of the site.

#### 6.8. Submissions

There have been no submissions received from any public person, private or Government Authorities at the time of the preparation of this report.

#### 6.9. The Public Interest

The public interest is served by the provision of the appropriate land use that is consistent with Local and State planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased affordable housing opportunities within the Sydney region and the Northern Beaches LGA specifically. The proposal is consistent with the underlying objectives of the EP&A Act in that it is an appropriate and economical use of the available resource.

### 7. CONCLUSIONS

This Statement of Environmental Effects has provided an assessment of the proposed dwelling against the relevant provisions of the Pittwater Local Environmental Plan (PLEP) 2014, the subject site is located within the R2 zone thus the proposal is therefore considered to satisfy the zone objectives at a strategic level. The project, located within suburban Mona Vale, offers contemporary dwellings which will provide for and contribute to the housing diversity in this residential precinct. The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies

Overall, it is considered that will not have any adverse impact on the subject site and surrounding streetscape. The proposal maintains a high degree of amenity with no unreasonable privacy impacts. We submit that the proposal is consistent with Councils expectations upon the site and there is no planning reason why this strata subdivision proposal should not be approved.