

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed dwelling  
house

18 Hillcrest Avenue,  
Mona Vale

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# Statement of Environmental Effects

## Proposed Dwelling House

18 Hillcrest Avenue, Mona Vale



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November 2024

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## 1 Introduction

This statement has been prepared in support of a development application proposing the demolition of the existing residence and the construction of a new dwelling house on the subject site. We note that a secondary dwelling is currently being constructed at the rear of the property pursuant development consent DA2023/0246.

The proposal responds to the client brief to design a dwelling house of exceptional design quality taking advantage of the sites superior locational attributes whilst respecting the environmental constraints of the site and the juxtaposition of surrounding development. The outcome is a building which will afford high levels of amenity to future occupants whilst maintaining appropriate residential amenity in relation to privacy, solar access and view sharing. The proposal is considered to positively contribute towards the built form quality of the housing stock established within the Mona Vale Locality and development generally along the coastal escarpment.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Architectural plans
- Boundary Survey
- Landscape Plans
- Arboricultural Impact Assessment
- Stormwater Plans
- Coastal Risk Assessment
- Geotechnical report
- Waste Management Plan

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

- Environmental Planning and Assessment Act, 1979.
- Pittwater Local Environmental Plan 2014.
- Pittwater Development Control Plan 2014.
- State Environmental Planning Policy (Resilience & Hazard) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling house will not give rise to adverse streetscape or unreasonable residential amenity impacts and is consistent with the desired future character of the Mona Vale Locality.

## 2 Site Analysis

### 2.1 Site Description and Location

#### 2.1.1 The Site

The application relates to Lot 1, DP 818730, 18 Hillcrest Avenue, Mona Vale. A location map is included as **Figure 1**.



*Figure 1: Site Location (Source: Six Maps)*

The subject property is an irregular shaped allotment comprising a total site area of 3495m<sup>2</sup>. The lot boundaries extend down the cliff face to the water edge below. The site is currently occupied with a single dwelling house and a secondary dwelling under construction at the rear of the property pursuant development consent DA2023/0246.





*Figure 2: Subject property as viewed from Hillcrest Avenue*

The topography of the site slopes down gently towards the north along the existing grassed private open space area on top of the cliff before falling away steeply down to the beach. The property contains a number of trees as identified within the accompanying arborist report prepared by Treeism Arboricultural Services.

### 2.1.2 The Locality

The subject site is located within the Mona Vale Locality. The locality is characterised by Low-density residential development is built along the valley floor and slopes to the north, south and west of the locality. These areas are characterised by one and two-storey dwelling houses on 680-760 square metre allotments (some blocks may be smaller) to the south, east and north, increasing to 930-1,200 square metres on the valley floor and headland.

The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Medium-density housing adjoins the Mona Vale Commercial Centre on Mona Vale Road, and extends along Darley Street, Park Street, Pittwater Road, Terrol Crescent and Golf Avenue.

Residential properties along Hillcrest Avenue are designed to capture the superior outlook towards Bungan Beach and beyond. Development consists of 1, 2 and 3 storey dwellings within informal landscape settings.



### 2.1.3 Zoning and Key Environmental Considerations

The site is zoned C4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 5
- Coastal Risk Hazard Map (Bluff/cliff instability)
- Geotechnical Hazard Map
- Foreshore Building Line

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

### 3 Description of Proposed Development

#### 3.1 Details of the Proposed Development

The subject development application proposes the demolition of the existing dwelling and the construction of a new part 2 and part 3 storey dwelling house with integrated garage accommodation accessed via a new driveway from the Hillcrest Avenue frontage. The proposed works are depicted on the following plans prepared by Progressive Plans:

NO:	SHEET NAME	DATE
DA00	COVER PAGE	9/9/2024
DA01	SHEET INDEX	9/9/2024
DA02	AREA CALCULATIONS	9/9/2024
DA03	SITE ANALYSIS	9/9/2024
DA04	SITE - WASTE - SEDIMENT PLAN	9/9/2024
DA05	EXISTING LOWER GROUND FLOOR PLAN	9/9/2024
DA06	PROPOSED LOWER GROUND FLOOR PLAN	9/9/2024
DA07	EXISTING GROUND FLOOR PLAN	9/9/2024
DA08	PROPOSED GROUND FLOOR PLAN	9/9/2024
DA09	PROPOSED FIRST FLOOR PLAN	9/9/2024
DA10	EXISTING ROOF PLAN	9/9/2024
DA11	PROPOSED ROOF / CONCEPT STORMWATER PLAN	9/9/2024
DA12	ELEVATIONS - NORTH	9/9/2024
DA13	ELEVATIONS - SOUTH	9/9/2024
DA14	ELEVATIONS - EAST	9/9/2024
DA15	ELEVATIONS - WEST	9/9/2024
DA16	SECTION - A	9/9/2024
DA17	SECTION - B	9/9/2024
DA18	FINISHES BOARD	9/9/2024
DA19	SHADOW DIAGRAM - JUNE 21ST - 9AM	9/9/2024
DA20	SHADOW DIAGRAM - JUNE 21ST - 12PM	9/9/2024
DA21	SHADOW DIAGRAM - JUNE 21ST - 3PM	9/9/2024
DA22	LEP HEIGHT LIMIT	9/9/2024
DA23	BUSINESS INFORMATION	9/9/2024

Specifically, the proposal results in the following floor plate outcomes:

##### Lower Ground Floor Plan

This floor plate accommodates a double garage with adjacent workshop and plant room. Internal lift and stair access is provided to the level above access.

##### Ground Floor Plan

This floor plate accommodates the formal entry, open plan kitchen living and dining area, media room, study/guest bed and combined laundry/butler's pantry.

The living areas open onto a north-east facing terrace incorporating a spa and plunge pool at its eastern end. An externally accessed sunroom is located at the western end of the terrace.

### **First Floor Plan**

This floor plate contains three bedrooms, each with ensuite and rumpus room. Each bedroom opens onto either a street facing or ocean facing balcony.

The application also proposes the widening of the existing driveway and upgrading of adjacent retaining structures located within the road reserve.

The application does not propose the removal of any trees or significant vegetation with the Norfolk Island Pine at the rear of the site protected during construction as detailed within the accompanying arborist report prepared by Treeism Arboricultural Services. The application also involves the implementation of an enhanced site landscape regime as depicted on the accompanying plans prepared by Discount Landscape Plans. The landscape plans also nominate proposed fencing.

The acceptability of the proposed excavation and proximity to the adjacent cliff line is addressed in the accompanying Geotechnical Report prepared by Crozier Geotechnical Consultants and Coastal Engineering Advice prepared by Horton Coastal Engineering. All stormwater will be disposed of via a spreader system at the rear of the property as detailed on the accompanying stormwater management plan prepared by Engineering Studio.

## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

#### 4.1.1 Zoning and Permissibility

As previously noted the site is zoned C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Secondary Dwellings are permissible with consent in the C4 zone. The specific objectives of the zone are identified as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not adversely affect those values;*
- *To provide for residential development of a low density and scale integrated with the landform and landscape;*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Dwelling houses are permissible with consent in the C4 zone. The development does not require the removal of any trees or significant vegetation. The dwelling house will not have an unreasonable impact on the coastal escarpment or the foreshore area.

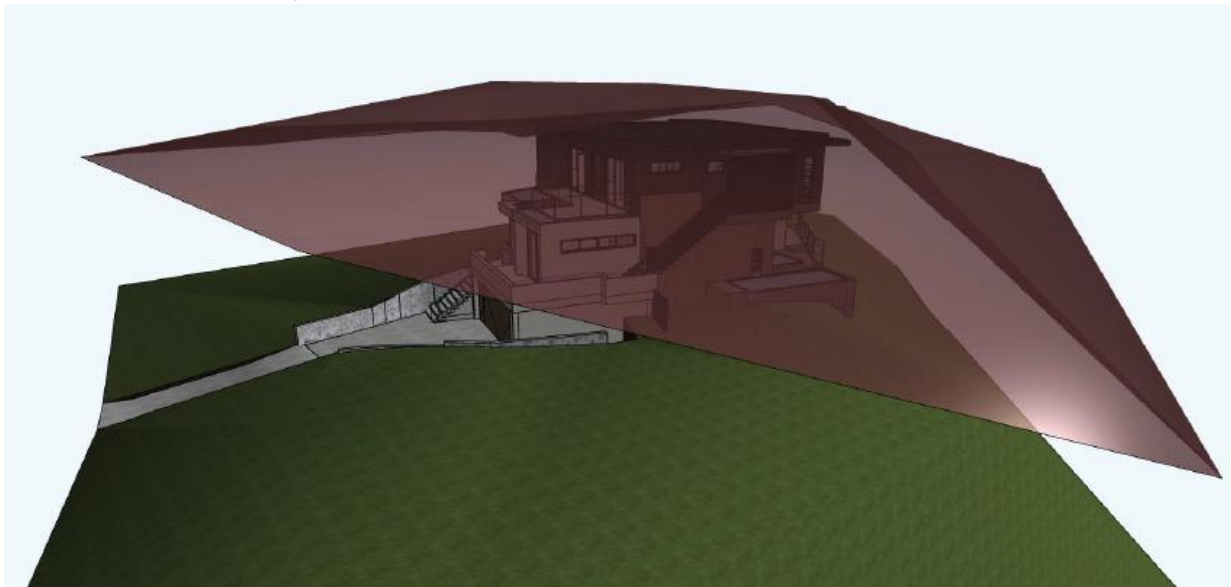
#### 4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The objectives of the 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.*

We confirm that the proposed dwelling house is compliant with the 8.5 metre building height standard when measured above ground level (existing) as depicted on the height blanket diagram below. As the proposal satisfies the numerical standard it is also deemed to comply with the associated objectives.



**Figure 3:** Plan extract 8.5 metre building height plane diagram showing strict compliance with the height standard.

#### 4.1.3 Acid Sulfate Soils

Pursuant to Clause 7.1 of the LEP, the site is classed as being within class 5 on the acid sulfate soils map. No significant excavation is proposed that would risk exposing acid sulfate soils or impact on the local environment.

#### 4.1.4 Coastal Risk Planning

Pursuant to clause 7.5 of the LEP the site is mapped as being within a coastal risk area relating to Bluff/Cliff instability. As such, a coastal risk assessment prepared by Horton Coastal Engineering has been prepared in support of the application.



The risk associated with cliff instability is considered reasonable provided the recommendations of the report are adhered to and further geotechnical advice being obtained from a suitable qualified geotechnical engineering. In this regard, reference is also made to the accompanying geotechnical report prepared by Crozier Geotechnical Engineers.

#### 4.1.5 Geotechnical Hazards

The site is located within a Geotechnical Hazard Area as mapped within the Pittwater LEP. As such, a geotechnical report prepared by Crozier geotechnical Engineer in accordance with the Northern Beaches Council Geotechnical Risk Management Policy accompanies this application. The report concludes that the works are reasonable from a geotechnical perspective provided good engineering practices are followed.

#### 4.1.6 Limited Development on the Foreshore Area

Pursuant to clause 7.8 of the LEP (2) development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- (b) *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

We note that all works are located behind the prescribed foreshore building line and accordingly these provisions are satisfied.

## 4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

### 4.2.1 Mona Vale Locality

The property is located within the Mona Vale Locality. The desired future character of the Mona Vale Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

*The Mona Vale locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural 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 occupancy dwellings will be located on the valley floor and lower slopes that have 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. Retail, community and recreational facilities will serve the community.*

*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, verandas 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.*

*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, to provide feed trees and undergrowth for koalas and other animals, 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.*

*Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. 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.*

*Mona Vale's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Mona Vale's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.*

The proposed dwelling house is consistent with the desired future character of Mona Vale. Whilst the dwelling has a 3 storey presentation to Hillcrest Avenue the presentation of the dwelling is entirely consistent with that established by other properties on the high side of Hillcrest Avenue which take advantage of the topography of the land to provide car parking below the residential floor plates above. Importantly, the dwelling will present as 2 storeys as viewed from the foreshore area. The dwelling has been architecturally designed to respond to the topography and will not be perceived as inappropriate or jarring have regard to the form of development established along the escarpment within the site's visual catchment. The proposed dwelling will be safe from geotechnical and coastal hazards and will sit within a landscaped setting.

The proposal is consistent with the desired future character of the Mona Vale locality.

#### 4.2.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
<b>Section B – General Controls</b>			
<b>B3.1 Landslip Hazard</b>	Protection of people.  Protection of the natural environment.  Protection of private and public infrastructure and assets.	A geotechnical report is provided	Yes
<b>B3.4 Coastline (Bluff) Hazard</b>	Protection of people.  Protection of the natural environment.  Protection of private and public infrastructure and assets.	A coastal risk assessment is provided	Yes

Control	Requirement	Proposed	Compliance
<b>B5.15 Stormwater</b>	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Stormwater management plans have been provided which provide appropriately for the disposal of stormwater..	Yes
<b>B6.3 Off-Street Vehicle Parking Requirements</b>	2 spaces per dwelling	The application proposes integrated garage accommodation for 2 vehicles accessed from the Hillcrest Avenue frontage in strict accordance with the control.	Yes
<b>Section C1 – Development Type Controls (Residential)</b>			
<b>C1.1 Landscaping</b>	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping reflects the scale and form of development.</p>	<p>The development will largely preserve the existing landscaping on site. No trees will be impacted by the proposal.</p> <p>Some perimeter screen planting is proposed along the boundary with 16 Hillcrest and will utilise native species.</p>	Yes



Control	Requirement	Proposed	Compliance
<b>C1.3 View Sharing</b>	The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.	<p>The proposed dwelling has been designed and sited to maintain primary views available from both immediately adjoining properties towards the ocean noting that all properties along the high side of Hillcrest Avenue have been designed and orientated to take advantage of views. To the extent that there may be some minor view impact associated with the replacement dwelling house such views are across side boundary and to that extent there can be no reasonable expectation for the preservation.</p> <p>A view sharing outcome is maintained consistent with the Court's planning principle.</p>	
<b>C1.4 Solar Access</b>	<p>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.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living</p>	Compliant levels of solar access to adjoining dwelling are achieved as detailed on the accompanying shadow diagrams.	Yes

Control	Requirement	Proposed	Compliance
	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).		
<b>C1.5 Visual Privacy</b>	<p>Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.</p> <p>A sense of territory and safety is provided for residents</p>	The dwelling has been designed through detailed site analysis to ensure that side boundary facing fenestration has been appropriately located to prevent direct and/or immediate overlooking opportunities between adjoining properties.	Yes
<b>C1.6 Acoustic Privacy</b>	<p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.</p> <p>Noise is not to be offensive as defined by the Protection of the Environment</p>	The dwelling house will not have an unreasonable impact on the acoustic privacy of surrounding properties subject to suitably worded conditions regarding appropriate acoustic attenuation to the spa and plunge pool elements.	Yes

Control	Requirement	Proposed	Compliance
	Operations Act 1997, including noise from plant, equipment and communal or private open space areas		
<b>C1.7 Private Open Space</b>	For a secondary dwelling informal sharing arrangement for open space for occupiers is encouraged.	The large size of the allotment and the proposed design will provide excellent private open space areas for the dwelling house.	Yes
<b>C1.11 Secondary Dwellings and Rural Worker's Dwellings</b>	Limitation of the visual bulk and scale of development. (En, S)  Provision of design flexibility for second storey development.	N/A	N/A
<b>Section D – Mona Vale Locality Controls</b>			
<b>D9.1 Character as viewed from a public place</b>	To achieve the desired future character of the Locality.  To ensure new development responds to,	The dwelling house will sit comfortably with existing development along the southern headland of Bungan Beach. The dwelling is predominantly 2 storeys presentation.	

Control	Requirement	Proposed	Compliance
	<p>reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</p> <p>To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.</p>	<p>The works incorporate articulation and a range of materials and finishes to soften its visual bulk. Open balconies, stepped built form and skillion roof form ensure that the height, bulk and scale of the dwelling house will not be perceived as inappropriate or jarring in its context. it is a positive contribution to the landscape.</p>	
<b>D9.2 Scenic protection - General</b>	<p>Achieve the desired future character of the Locality.</p> <p>Bushland landscape is the predominant feature of Pittwater with the built form being the secondary component of the visual catchment.</p>	<p>It is considered that the proposed development is consistent with the bulk and scale of development within the visual catchment of the site and the foreshore area. Development is characterised by multi storey residential dwellings that step down the sloping topography. The dwelling will integrate with existing development along the headland and will not result in an unreasonable visual impact when viewed from public places or the foreshore/ Ocean.</p>	Yes

Control	Requirement	Proposed	Compliance
<b>Side and Rear Building Line</b>  <b>D12.6</b>	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.	<p>The proposal maintains a compliant 2.5m setback to the western boundary for the ground and first floor elements with the western edge of the lower ground floor workshop and entry stairs encroaching by a maximum of 1.183 metres. Such encroachment is minor and inconsequential given its predominantly subterranean nature. Such non-compliance is offset by the larger setbacks provided to the balance of the western boundary given the geometry of the site.</p> <p>The eastern boundary setbacks are compliant at each level.</p>	<p>Yes to eastern boundary</p> <p>No – Minor variation western boundary. Acceptable on merit</p>
	Foreshore building line	All works are located behind the prescribed foreshore building line.	Yes
<b>Landscaped Area Environmentally Sensitive Land</b>  <b>D12.10</b>	Total Landscaped Area is 60% of the total site area.	86.45%	Yes



## 4.3 State Environmental Planning Policy (Resilience & Hazard) 2021

### 4.3.1 Coastal Management

Clause 2.10 of the SEPP, coastal environmental area, states the following:

*(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The site is situated on the developed southern headland of Bungan Beach. The proposed development will have no impact on the natural coastal processes and environment, marine flora and fauna, public access to the beach and is not within the surf zone.

Clause 2.11 of the SEPP, Coastal Use Area, states the following:

*(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*

(iv) *Aboriginal cultural heritage, practices and places,*

(v) *cultural and built environment heritage, and*

(b) *is satisfied that:*

(i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*

(ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The site is situated on the headland well above the beach and will not impact on safe access to coastal area for the public. No public views are impacted by the development.

The bulk and scale of the dwelling is considered to be appropriate. The development will be consistent with the existing scale of development in the area.

Clause 2.12 of the SEPP states:

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

The consent authority can be satisfied that proposed works will not risk coastal hazards on the site or in the local area. This application is accompanied by a geotechnical report and coastal risk report which states the risk associated with the development is acceptable.

#### **4.3.1 Remediation of Land**

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

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time with no known prior land uses. In this regard, the potential for contamination is considered to be extremely unlikely.

The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites. The consent authority can be satisfied that the subject site is suitable for the proposed development.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

#### **4.4 State Environmental Planning Policy (Sustainable Buildings) 2022**

This policy applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

#### **4.5 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 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:

##### **(i) The provision of any planning instrument**

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

**(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**

N/A

##### **(iii) Any development control plan**

N/A

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

N/A

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

N/A

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

N/A

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

N/A

### *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*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment 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

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*

Compliant off-street parking is provided.

*Public Domain*

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

*Utilities*

Utility service can connect to the dwelling

*Flora and Fauna*

N/A

*Waste Collection*

Normal domestic waste collection can be provided for the dwelling

*Natural hazards*

The site is identified falling within a geotechnical hazard and coastal risk area. Reports have been prepared with regard to both.

*Economic Impact in the locality*

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

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

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

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

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

### *Construction*

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

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

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

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

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

The 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 excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

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

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

### **(e) The public interest**

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

## 5 Conclusion

The proposed dwelling house is compliant with the development standards and built form controls prescribed by the applicable statutory planning regime. The design incorporates high levels of articulation and achieves a quality outcome that complements development along the headland and will not result in any unreasonable visual impacts when viewed from the public domain.

The proposal responds to the client brief to design a dwelling house of exceptional design quality taking advantage of the sites superior locational attributes whilst respecting the environmental constraints of the site and the juxtaposition of surrounding development. The outcome is a building which will afford high levels of amenity to future occupants whilst maintaining appropriate residential amenity in relation to privacy, solar access and view sharing. The proposal is considered to positively contribute towards the built form quality of the housing stock established within the Mona Vale Locality and development generally along the coastal escarpment.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling house will not give rise to adverse streetscape or unreasonable residential amenity impacts and is consistent with the desired future character of the Mona Vale Locality.