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STATEMENT OF ENVIRONMENTAL EFFECTS

Section 96 Modification of Development Consent N0295/17

Subdivision 1 lot into 2 lots

No.28 Mona Street, Mona Vale

Lot B DP404336

Prepared by Lindsay Dyce

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1.0 PROPOSAL

This is a proposal to amend Development Consent N0418/15 by deletion of Conditions B19 and F3.

B19

All utility services located in the adjacent Mona Street road reserve and those to service the development are to be placed and/or relocated underground for the total Mona Street frontage of the development site at full cost to the developer.

F3

A Restriction on Use of Land is to be created, burdening Lot 1, the terms of which restrict future buildings within Lot 1 to the building envelope shown on the approved plans. Full details in this regard are to be submitted to Council on the final plan of Subdivision / and an accompanying Section 88B instrument. The creation of the Restriction on Use of Land is achieved through registration of the Plan of Subdivision. Northern Beaches Council shall be nominated as the prescribed authority for variation or removal of the instruments.

The deletion of these conditions has no impact on the subdivision development and requires no change to any of the approved plans, subsequent Construction Certificate or Subdivision Certificate.

A detailed justification for the proposed deletions is outlined in section 6 of this statement.

2.0 SITE DESCRIPTION

2.1 Site Details

Address: No.28 Mona Street, Mona Vale.

Cadastral details: Lot B in DP 404336. (See accompanying Site Survey ATTACHMENT 2).

The property is a near rectangular shaped lot with a frontage of 21.335 to Mona Street.

The property has a width of 21.285 metres.

The overall depth of the property ranges from 64.135 metres along its northeastern boundary to 66.49 metres along the southwestern boundary.

Total site area is 1388 square metres.



2.2 Current use of the Land

The site comprises a large property containing a recently completed residence on its rear section.

The residence has been approved (CDC 0050/17 issued by *Form Building Certifiers PTY Ltd*) and is contained within proposed lot 2.

2.3 Aspect and Topography

The property is located on the northwestern side of Mona Street and slopes moderately towards its southwestern.

2.4 Surrounding Development

The property is located within an area of residential development consisting of one and two storey detached dwellings with developed gardens. The immediate locality is a mixture of older cottages of mixed construction (many of which has been renovated), and recently constructed high value residences reflecting the desirable nature of the locality.

To the northeast the property is bounded by four residential properties with frontage to Waterview Street (Nos. 90-96).

No.90 is a corner lot with frontage to Mona Street adjacent to the subject land, Nos.90-94 have rear boundaries abutting the northeastern boundary of the site and

To the southwest the property is bounded by a residential property with frontage to Mona Street containing a residence of contemporary design (No. 24) and a section of the northeastern boundary of No. 22 Mona Street (a battleaxe block).

To the northwest the site is bounded by a vacant lot that is associated with the property No.96 Waterview Street.

To the southwest on the opposite side of Mona Street are the residential properties Nos. 47 and 49 Mona Street and a corner property No.86 Waterview Street.

3.0 PLANNING CONTROLS

3.1 Pittwater Local Environmental Plan 2014

Pittwater Local Environmental Plan (PLEP) 2014 applies to the subject land.

The property is Zoned R2 Low Density Residential

Subdivision of the subject land is a permissible form of development pursuant to Clause 2.6 of *PLEP 2014*.

The proposed modification has no impact on the Development Consent as it relates to *PLEP 2014*

3.2 The Pittwater Development Control Plan 2015

The Pittwater 21 Development Control Plan (PDCP) 2015 applies to the site.
The PDCP specifies a range of controls which apply to the proposal on this site.

A detailed analysis as to how this proposal responds to the relevant controls in the PDCP is contained in this statement.

4.0 SITE ANALYSIS

4.1 Slope

The property is located on a southwestern side of a ridgetop running along Waterview Street to the northeast and slopes moderately towards the southwest at a gradient of approximately 10%.

The development potential and amenity of the proposed new residence is in no way adversely impacted by this moderate slope which is consistent with the adjoining residential properties.

The proposed amendments have no impact on this site characteristic.

4.2 Trees and Vegetation

There are no significant trees or vegetation adversely affected by the proposed amendments.

4.3 Visual Impact

The proposed amendments do not adversely impact on the views of surrounding or nearby properties.

Specific issues relating to view sharing and visual impact can be addressed as part of the development assessment process associated with the approval process for a future residence on proposed lot 1.

4.4 Proximity to watercourses and Water bodies

The proposed amendments do not impact on any watercourses or water bodies.

4.5 Flora and Fauna

The amended proposal is consistent with surrounding development, does not involve the removal of any significant vegetation and has no significant adverse impact on threatened species.

4.6 Solar Access

The proposed amendments do not impact on solar access to the proposed lots or adjoining properties.

4.7 Contamination

There is no indication of site contamination.

4.8 Other hazards

The site is remote from any creek lines, water bodies or storm water drainage pipelines/channels/depressions and is unaffected by any form of flooding.

The site is well elevated and does not contain any acid sulphate soils.

The site is not impacted by geotechnical hazard.

The site is not affected by bushfire hazard.

5.0 PLANNING ASSESSMENT PLEP 2014

The proposed amendments to Development Consent N0418/15 have no impact on the proposal in terms of the relevant planning controls contained in PLEP 2014.

6.0 PLANNING ASSESSMENT PDCP 2014

Deletion of Condition B19

Condition B19 states as follows:

All utility services located in the adjacent Mona Street road reserve and those to service the development are to be placed and/or relocated underground for the total Mona Street frontage of the development site at full cost to the developer.

This Condition stems from DCP Control C4.5.

DCP Control C4.5 Subdivision-Utility Services requires (in part) that;

All utility services existing or otherwise located (where not already located underground) on the perimeter of the subdivision lands within the road reserve or within adjacent public reserves (within a distance of 6m from the boundary) are to be relocated underground for the width of the development site frontage to the public reserve or public road reserve.

Design and construction of the undergrounding of utility services are to be at full cost to the developer.

The control also provides for variation as follows:

Based on technical practicalities and advice from the energy supplier the merit for not proceeding with undergrounding of utility services will be considered for the following circumstances subject to achieving the outcomes of this control:

- *electricity wires carrying 16,000 volts, 33,000 volts or more, and*
- *short lengths of overheads of two spans or less*

The Objectives of the control are as follows:

Adequate utility services capacity to meet the demands of subdivision development. (En, S)

Safety of building occupants being maintained and enhanced. (S)

Security of utility services is improved. (S)

Opportunities for street tree planting enhanced. (En)

Visual pollution by aerial cables is reduced. (En, S)

Improved safety by removal of visual clutter. (En, S)

It is requested that in Condition B19 requiring undergrounding of overhead service lines in Mona Street adjoining the proposed subdivision be deleted for the following reasons:

- The existing overhead lines comprise less than one span and undergrounding would require an additional pole to be provided along the subdivision frontage adjacent to lot 1. **This satisfies the provision for variation of the control relating to two spans or less.**
- The variation has no impact on the following Control Objectives

*Adequate utility services capacity to meet the demands of subdivision development. (En, S)
Safety of building occupants being maintained and enhanced. (S)
Security of utility services is improved. (S)*

- The instillation of an additional pole would have an adverse impact on visual amenity and visual clutter.

CONCLUSION

As outlined above the request to delete Condition B19 requiring the undergrounding of services in Mona Street meets the Control Variation requirements and achieves the Control Outcomes.

Deletion of Condition F3

Condition F3 states as follows:

A Restriction on Use of Land is to be created, burdening Lot 1, the terms of which restrict future buildings within Lot 1 to the building envelope shown on the approved plans. Full details in this regard are to be submitted to Council on the final plan of Subdivision / and an accompanying Section 88B instrument. The creation of the Restriction on Use of Land is achieved through registration of the Plan of Subdivision. Northern Beaches Council shall be nominated as the prescribed authority for variation or removal of the instruments.

This Condition does not specifically relate to any particular Control in the PDCP.

The original proposal provided an indicative building envelope in order to demonstrate the following:

The building envelope on lot 1 provides a footprint of 175 sq m (as required by the PDCP) together with an area for vehicle maneuvering utilizing the common driveway.

This building envelope is located clear of the impact zone on the tree located on that lot as identified and discussed in the arborist report accompanying this application.

Clearly alternative locations of a future dwelling that achieves these objectives and complies with the objectives of Councils planning Controls can be developed as part of the detailed planning process associated with preparing such plans for development approval.

To limit the scope of a future residence on Lot 1 to the indicative envelope shown in the initial application which was provided only to demonstrate that a residence that meets Councils control criteria could be erected on the site, is an unnecessary restriction that will in fact limit the design



of any future residence from achieving the desired future character of the locality in terms of high quality compatible development.

In relation to any impact of a future residence on the trees located on Lot 1, Any future development application will be required to assess and justify that impact including the incorporation into the design and construction process of appropriate measures to restrict potential adverse impacts to an acceptable level.

Should the reason for imposing this condition be to protect the tree centrally located on lot 1 then an alternative condition specifically referencing that tree would be more appropriate.

Such a condition would require the design and location of any future dwelling on lot 1 to accord with the recommendations of a specifically prepared arborist report. The recommendations of such a report to specify location of the structures as well as restriction on excavation and footing design to minimize any adverse impact on the structural stability and health of that tree.

Provision of such a report is a normal Council requirement for a Development Application where significant tree(s) are located near to proposed dwellings. This fact makes even the alternate condition redundant, but it is far superior to the existing condition.

It is noted that the Land and Environment Court has been reluctant to impose conditions of this nature other than in exceptional circumstances which certainly do not apply in this case.

It is also noted that any future Complying Development on Lot 1 cannot be approved if it will have an impact on trees on the site.

CONCLUSION

The request to delete Condition F3 requiring the creation of a Restriction on Use of Land confining future residential development to the indicative building envelope area shown as part of the original application should be supported.

7.0 COMPLIANCE WITH THE PROVISIONS OF SECTION 79(c) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT (1979).

Relevant Planning Instrument(s)

The proposal as amended achieves the objectives and complies with the relevant provisions and development standards of *the Pittwater Local Environmental Plan 2014*.

There are no relevant proposed Planning Instruments that affect the proposal as amended.

Development Control Plan

The *Pittwater Development Control Plan 2014* applies to the proposal. The proposed amendments continue to achieve the relevant objectives set out in the DCP and generally complies with the relevant controls applying to the development.

Planning Agreements

There is no planning agreement associated with the proposal.

Coastal Zone Management plans

The development proposal is not affected by Coastal Zone issues.

Environmental Impact

Natural Environment

The proposal as amended has no adverse impact on the existing natural environment.

Built Environment

The proposed amendments have no adverse impact on the existing built environment. The proposal will facilitate residential development that is in keeping with the desired low density residential form and streetscapes for the locality and E4 Environmental Living Zone within which it is located.

Social Impact

The proposal as amended provides for residential development that is safe, amenable and has access to the appropriate range of services and public facilities necessary for a vibrant and effective community.

Economic Impact

The proposal as amended provides for renewal of older housing stock maintaining opportunity for housing within the Sydney Region without the need for additional infrastructure and thus contributing to the economic sustainability of the region, precinct and locality.

Suitability of the site for Development

Detailed site investigation carried out as part of the process of preparing the application the subject of this report demonstrate that the site is suitable for the proposed form of development.

Submissions

As part of the assessment process Council will notify the application (if required) in accordance with the requirements of the Act inviting submissions. Council will take any submissions received into account as part of its assessment process.

Public Interest

Development of the site as proposed in its amended form is in accord with the relevant planning strategies and objectives and will positively contribute to the immediate locality and the Sydney region through provision of safe and amenable low density residential housing.

In conforming to the applicable planning objectives which create opportunity for such development the proposal is in the public interest.



8.0 CONCLUSION

This application has been assessed under all the relevant heads of consideration required by *Section 79 (c) of The Environmental Planning and Assessment Act 1979 (As amended)*

The proposal as amended generally meets Council requirements and will provide for future development consistent with that surrounding the site in a manner that preserves the amenity of the area.

For the reasons outlined above this application should be supported and an amended Development Consent granted.