

STATEMENT OF ENVIRONMENTAL EFFECTS

Secondary Dwelling

18 Hillcrest Avenue,
Mona Vale

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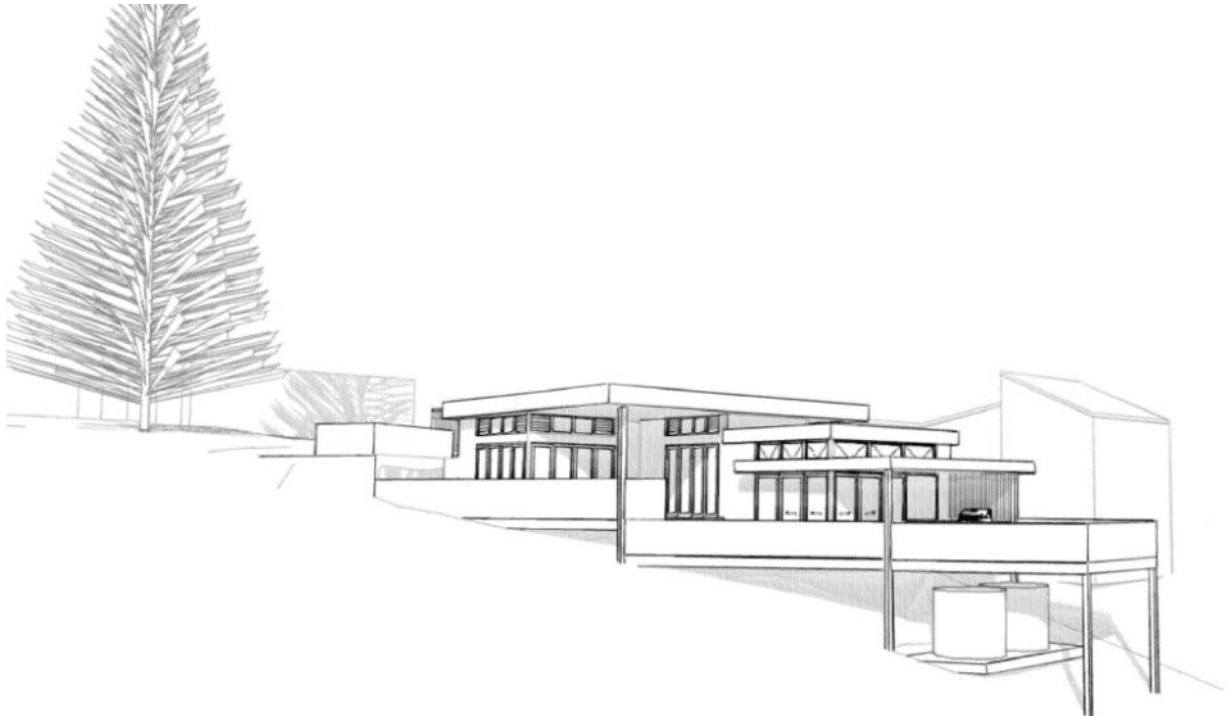
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Statement of Environmental Effects

Secondary Dwelling

18 Hillcrest Avenue, Mona Vale



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1 Introduction

This statement has been prepared in support of a development application proposing the construction of a new detached secondary dwelling on the subject site.

The proposal responds to the client brief to provide a secondary dwelling 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
- Survey Plan
- Stormwater Plans
- Coastal Risk Assessment
- Geotechnical report

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.

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 secondary dwelling will not impact on the existing streetscape or desired future character of the Mona Vale Locality
- The proposed secondary dwelling will add to the affordable housing stock in the area without adverse environmental or residential amenity impacts.

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 3495m². The lot boundaries extend down the cliff face to the water edge below. The site is currently occupied with a single dwelling.

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. No significant trees are located in the development area.

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 and 2 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

This application proposes the construction of a new detached secondary dwelling is depicted architectural plans A.00(A) to A.06(A) prepared by Gartner Trovato Architects.

The secondary dwelling includes a bedroom with ensuite, kitchen, living and dining room. The bedroom is separated from the main living area via a breezeway. Primary open space areas are orientated to take advantage of views.

The sloping topography creates an under-croft area which is proposed to be used for storage and a rainwater tank.

Screen planting is proposed along the boundary with 12 Hillcrest Avenue.

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.*

Secondary dwellings are permissible with consent in the C4 zone. The development does not require the removal of any significant trees or vegetation. The secondary dwelling 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 5.5 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.

The Pittwater LEP also includes a height development standard for secondary dwellings of 5.5m as outlined in clause 4.3(2FA). The elevations and sections provided demonstrate compliance with the 5.5m development standard.

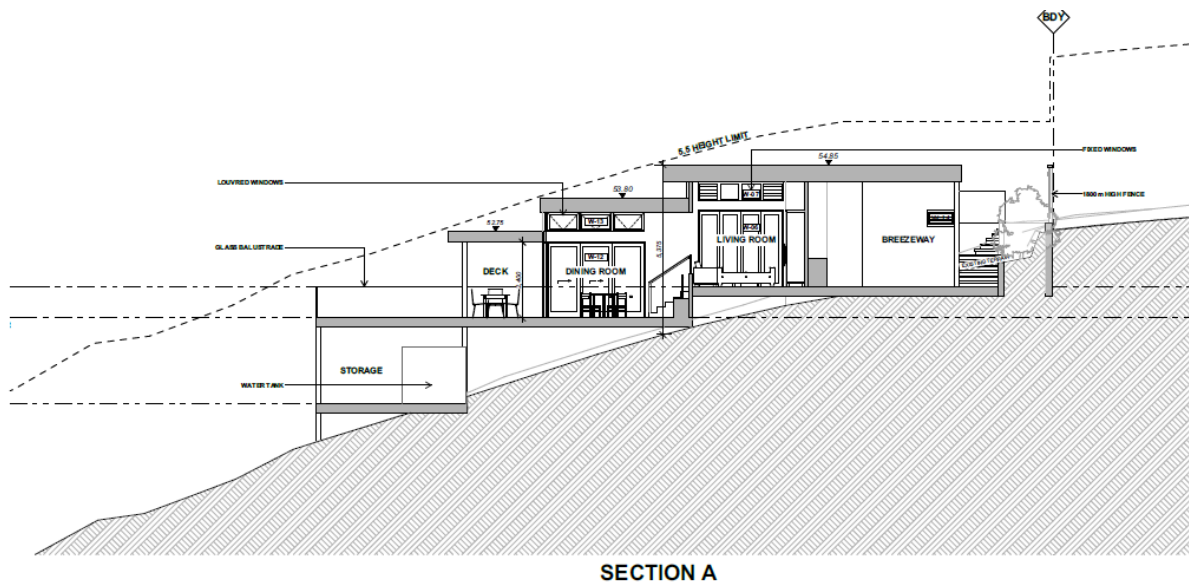


Figure 2: Section showing compliance with the 5.5m height standard

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 the requirements are as follows:

- (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 there is a minor encroachment of an eave within the prescribed foreshore building line and to that extent we rely on the accompanying clause 4.6 variation request.

4.1.7 Controls relating to miscellaneous permissible uses (clause 5.4)

Clause 5.4(9) states that:

- (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.*

We can confirm that the total floor area of the proposed secondary dwelling is measured at 58.92m² in compliance with this standard.

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 application for a detached secondary dwelling is consistent with the desired future character of Mona Vale. The secondary dwelling will not be discernible from Hillcrest Avenue and will not impact on the streetscape. The development will be consistent with the existing development along the headland. 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.

4.2.2 Secondary Dwellings and Rural Worker's Dwellings

Clause C1.11 relates to secondary dwellings and includes the following controls:

The development of a secondary dwelling or rural worker's dwelling will result in not more than two (2) dwellings being erected on an allotment of land.

Comment: Only 2 dwellings will be on site should this secondary dwelling be approved.

A secondary dwelling or rural worker's dwelling contains not more than two (2) bedrooms and not more than one (1) bathroom.

Comment: Only 1 bedroom and 1 bathroom is proposed. An additional powder room is proposed to the living space for convenience.

A landscaping strip of 1.5m minimum width shall be provided along the side boundary where any driveway is located adjacent to an existing dwelling.

Comment: Landscaping is proposed along the boundary with 12 Hillcrest and provides a 2.5m landscaped setback.

Where the secondary dwelling or rural worker's dwelling is separate from the principal dwelling, only one storey will be allowed.

Comment: The proposal is split level and single storey.

Where the secondary dwelling or rural worker's dwelling is located within, or is attached to the principal dwelling (including the garage) the maximum building height is to be in accordance with the height controls contained within Pittwater Local Environmental Plan 2014.

Comment: Not attached

A secondary dwelling above a detached garage is not supported.

Comment: Not proposed.

4.2.3 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
Section B – General Controls			
B3.1 Landslip Hazard	Protection of people. Protection of the natural environment. Protection of private and public infrastructure and assets.	A geotechnical report is provided	Yes
B3.4 Coastline (Bluff) Hazard	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
B5.15 Stormwater	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.	Yes
B6.3 Off-Street Vehicle Parking Requirements	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).	<p>The subject site does not provide any opportunity for an additional off-street parking space.</p> <p>The on-street parking availability along Hillcrest Ave is considered to adequately provide parking opportunities to service the secondary dwelling. A 1 bedroom secondary dwelling will not generate unreasonable parking demands that cannot be met with on-street parking.</p> <p>The narrow front boundary and existing driveway arrangement does not facilitate any ability to include a hardstand parking space for the secondary dwelling.</p>	No – worthy on merit

Control	Requirement	Proposed	Compliance
Section C1 – Development Type Controls (Residential)			
C1.1 Landscaping	<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 12 Hillcrest and will utilise native species.</p>	Yes
C1.3 View Sharing	<p>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>	<p>View analysis is provided at the end of this table.</p>	
C1.4 Solar Access	<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</p>	<p>Compliant levels of solar access to adjoining dwelling are achieved.</p>	Yes

Control	Requirement	Proposed	Compliance
	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).		
C1.5 Visual Privacy	<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 development will not impact on the visual privacy of adjoining dwellings given its locational context and orientation.	Yes
C1.6 Acoustic Privacy	<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</p>	The secondary dwelling will not have an unreasonable impact on the acoustic privacy of surrounding properties.	Yes

Control	Requirement	Proposed	Compliance
	defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas		
C1.7 Private Open Space	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 secondary dwelling.	Yes
C1.11 Secondary Dwellings and Rural Worker's Dwellings	Limitation of the visual bulk and scale of development. (En, S) Provision of design flexibility for second storey development.	This has been addressed previously.	Yes
Section D – Mona Vale Locality Controls			
D9.1 Character as viewed from a public place	To achieve the desired future character of the Locality.	The works will not be readily discernible from the street.	

Control	Requirement	Proposed	Compliance
	<p>To ensure new development responds to, 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 secondary dwelling will sit comfortably with development along the southern headland of Bungan Beach. The design steps down the topography and minimises excavation required.</p> <p>The scale of the secondary dwelling in comparison to existing development along the headland will be of a smaller scale and not become dominant when viewed from Bungan Beach and the Ocean.</p> <p>The works incorporate articulation and a range of materials and finishes to soften its visual bulk. Open balconies, stepped built form and flat roof design ensure it is a positive contribution to the landscape.</p>	
D9.2 Scenic protection - General	<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>As mentioned above, the secondary dwelling is of a smaller scale than existing development along the headland. It is not considered to have an unreasonable visual impact when viewed from the public domain and water.</p>	Yes

Control	Requirement	Proposed	Compliance
Side and Rear Building Line D12.6	Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.	2.5m to side boundary with 12 Hillcrest.	Yes
	Foreshore building line	Consistent with foreshore building line	Yes
Landscaped Area Environmentally Sensitive Land D12.10	Total Landscaped Area is 60% of the total site area.	89%	Yes

4.3 View loss Analysis

Pursuant to clause C1.3 of the DCP, the proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court planning principle for view sharing known as *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. The 4 step process for view analysis is provided below:

Step 1 – Assessment of views to be affected

The judgement held that water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views.

The views that will be potentially impacted are northerly water views of Bungan Beach and the land and water interface. No. 12 Hillcrest Ave sits directly to the east and it a battle-axe subdivision arrangement. No 8 and 14 also access views across the development area.

Step 2 – Consider from what part of the property the views are obtained

No. 12 Hillcrest Avenue

In reviewing recent DA consent history for this site we found DA2019/0269 which approved new deck areas to the dwelling and has subsequently been completed with on occupation certificate being obtained. The stamped plans associated with DA2019/0269 did not include any levels to assist in this view loss analysis. Notwithstanding, the survey provided with this application has picked up the levels at No. 12 balcony areas.

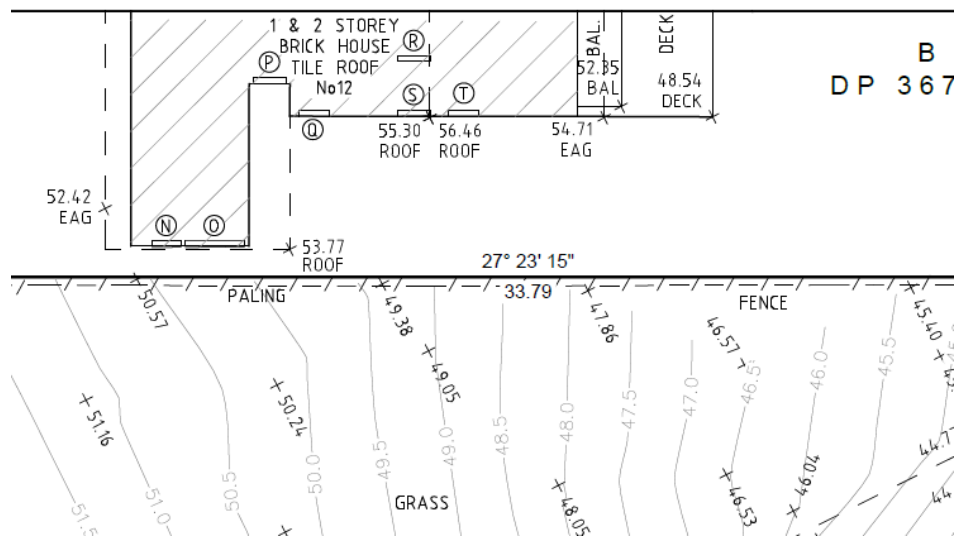


Figure 3: Survey extract showing levels of No 12 Hillcrest Ave

Older real estate photos provide a good example of the views achieved from this site.

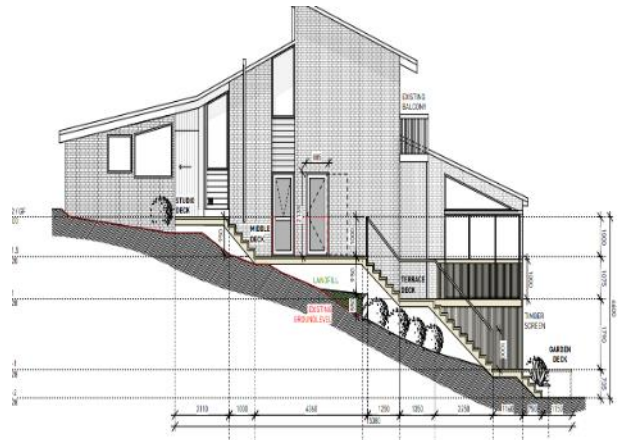


Figure 4: View from lower level deck & 2019 DA elevation extract – 12 Hillcrest



Figure 5: View from 12 Hillcrest

No. 14 Hillcrest Ave

No real estate advertising is found for this property. The last consent associated with this site is N0546/03 for alterations and additions and provides documentation about the RL's of the dwelling and the location of primary habitable space. It is acknowledged that this application was 20 years ago however it is assumed the levels have not changed.

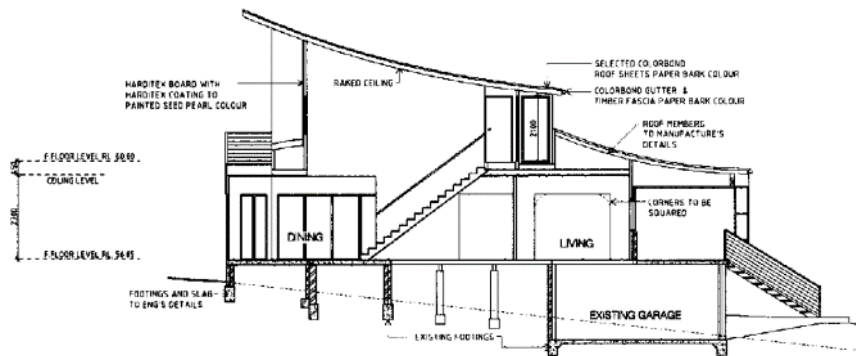


Figure 6: Extract from 14 Hillcrest Ave 2003 DA – Ground floor FFL is 56.85

No.8 Hillcrest Ave

It is anticipated that this dwelling will not experience any significant view impacts with the existing dwelling No. 12 to largely screen the secondary dwelling. Real estate advertising photos provide some context.



Figure 6: Views from No. 8 Hillcrest

No. 16 Hillcrest

16 Hillcrest is directly to the west of the site. The secondary dwelling is to be built adjacent to the rear boundary of 16 Hillcrest. Some real estate advertising images provide some context for the existing view.



Figure 7: First floor views from No. 16 Hillcrest



Figure 8: Rear garden context of No 16 Hillcrest

It is acknowledged that views would be obtained from the ground floor and private open space area as well.

Step 3 – To assess the extent of the impact

Paragraph 28 of the judgement states that:

‘views from living areas is more significant than from bedrooms or services areas, although kitchens are valued more highly because people spend so much time in them.’

No. 12 Hillcrest

12 Hillcrest is orientated to the north to access the highly valuable Bungan Beach views. It's views of the northern headland, the beach and its interface with the water will not be impacted.

Based on survey data their primary private open space deck and lower garden deck are at RL 52.35 and RL 48.54 respectively. The proposed secondary dwelling will have a roof form which steps down to the north from RL 54.80, to RL 53.75 to RL 52.75. It is anticipated that some view loss will occur when viewing directly to the east from 12 Hillcrest over the side boundary.

No. 14 Hillcrest

Given their ground floor FFL is 56.85 and the max roof height of the secondary dwelling is RL54.80 it is anticipated that the dwelling will still access northerly views over the secondary dwelling.

No. 8 Hillcrest

Given the secondary dwelling low roof profile it is considered that the secondary dwelling will have a negligible impact on their existing view and not be readily discernible when viewed from this property.

No. 16 Hillcrest

The proposed roof height of the secondary dwelling is measured at RL 54.80. Levels have been picked up on 16 Hillcrest which provides an indication of the potential impact of the dwelling. The survey points are circled below:

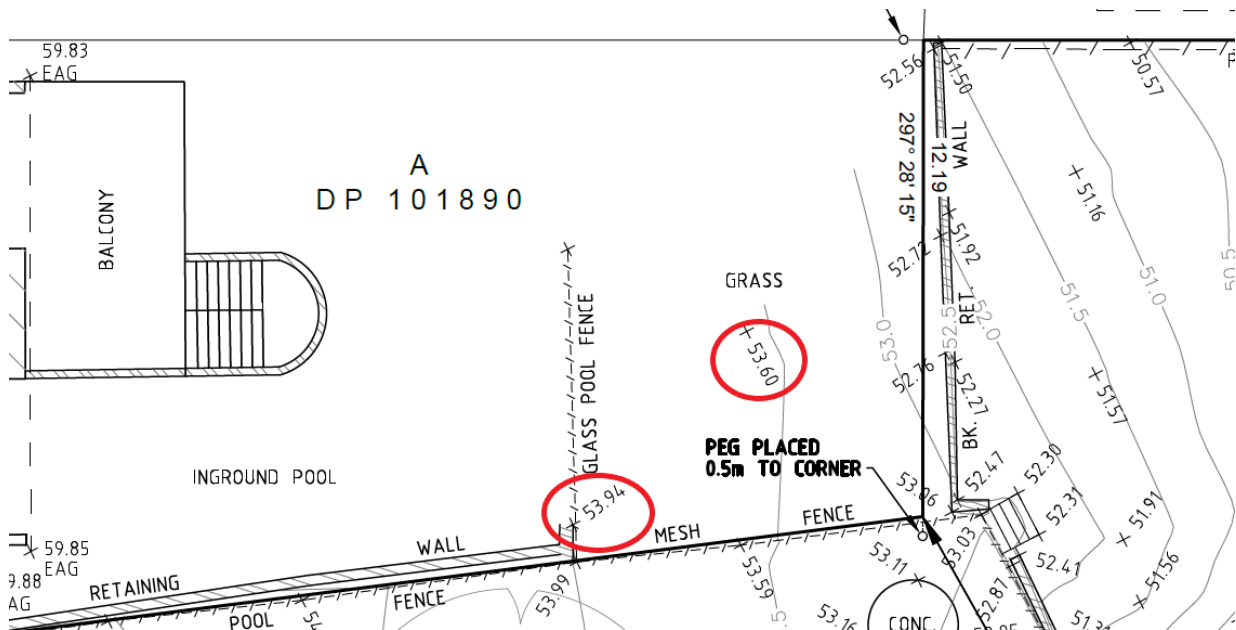


Figure 9: survey points on No. 16 Hillcrest

RL 53.94 is to the top of the retaining wall and the pool glass fence sits on top which can be seen on the photos provided. While no top of the pool fence RL is shown on the survey a standard pool fence is a minimum of 1.2m. It is assumed the top of the pool fence is approximately RL 55.00+.

With a max roof height of RL54.80 the secondary dwelling will not result in any significant view impacts and retained its views over the development. We note that there are existing vegetation along No. 16 rear boundary that would screen the development and already impacts on their views. A 1.8m fence along the boundary with No. 16 and will be the same max RL as the roof of the secondary dwelling and will not result in any unreasonable view impacts either.

Step 4 – To assess the reasonableness of the proposal that is causing the impact

With respect to assessing the reasonableness of the proposal, paragraph 29 of the judgement states that where:

'A development that complies with all the planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.'

The proposal is considered reasonable with it being compliant with the 5.5m height standard and responds to the topography appropriately. The stepped flat roof form minimises any adverse view impacts, in particular to the north which takes in Bungan Beach.

The view impacts to 12 Hillcrest are considered reasonable given compliance with Council controls is achieved and that they access their views to the east directly across their side boundary. Views accessed across a side boundary are harder to retain as outlined in the judgement. Their views to the north that take in the beach, northern headland, land/water interface and further water views north will be preserved.

View impacts to No 16 will be negligible and reflect the reasonableness and skilful design of the proposal.

The proposal and its resultant impacts are considered reasonable in this instance.

4.4 State Environmental Planning Policy (Resilience & Hazard) 2021

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 development is for a secondary dwelling which by nature is smaller scale than primary dwellings. The bulk and scale of the dwelling is considered to be appropriate in that regard. 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.

4.5 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*

No off-street parking can be provided for the secondary dwelling.

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 secondary 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 secondary dwelling is compliant with the development standards and built form controls prescribed by the applicable statutory planning regime. The secondary dwelling will provide additional rental housing stock in Mona Vale in a superior location. The design incorporates high levels of articulation and achieves a quality outcome that complements development along the headland and not result in any unreasonable visual impacts when viewed from the public domain.

The proposal responds to the client brief to provide a secondary dwelling 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.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.