

Statement of Environmental Effect

Proposed residential flat development

**32 Golf Avenue
Mona Vale**



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Statement of Environmental Effects

Proposed residential flat development

32 Golf Avenue, Mona Vale

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TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 SITE DESCRIPTION AND CONTEXT

2.1 The Site

2.2 The Locality

3.0 DEVELOPMENT PROPOSAL

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Pittwater Local Environmental Plan 2014

4.1.1 Zone and Zone Objectives

4.1.2 Height of Buildings

4.1.3 Density Controls for Certain Residential Accommodation

4.1.4 Acid Sulfate Soils

4.1.5 Earthworks

4.2 Pittwater 21 Development Control Plan

4.2.1 Newport Locality

4.2.2 General Controls

4.2.3 Development Type Controls

4.2.4 Locality Specific Controls

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.4 State Environmental Planning Policy (Sustainable Buildings) 2022

4.5 Section 4.15(1) EP&A Act Considerations

5.0 CONCLUSION

1.0 INTRODUCTION

This document forms a component of a development application that proposes the demolition of the existing townhouses and the construction of a residential flat development incorporating 2 building pavilions containing a total of 6 apartments over 2 levels with basement car parking for 14 vehicles including 2 visitor spaces accessed via a driveway from Golf Avenue. The application also proposes the implementation of an enhanced site landscape regime.

The project architect has responded to the client brief to design a contextually responsive building of exceptional quality which takes advantage of the sites superior locational attributes whilst providing high levels of amenity for future occupants. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of the site including the height, proximity and orientation of adjoining residential development and available view lines across the site.

The final design provides for a building of exceptional design quality which steps down the site in response to topography in a highly articulated and modulated building form broken into 2 pavilions and which provides appropriate deep soil landscape opportunity around the perimeter of the site to ensure that the buildings sit within a landscaped setting. The development will provide diversity in housing choice on a site ideally suited to medium density housing given its R3 Medium Density Residential zoning, its immediate proximity to the Mona Vale Town Centre and in circumstances where the desired future character statement for the Mona Vale Locality identifies the suitability of land immediately adjoining local centres for increased residential densities.

The building façades have been articulated and modulated in both the horizontal and vertical planes to emphasise the buildings low horizontal massing and enable the development to respond to the topographical characteristics of the site. Private open spaces have been orientated to the front and rear of the site to prevent direct overlooking to adjoining properties. This submission demonstrates that the proposal will not give rise to inappropriate or jarring streetscape, residential amenity or broader environmental consequences. In preparation of the document consideration has been given to the following statutory planning regime:

- Environmental Planning and Assessment Act, 1979 (the Act),
- Pittwater Local Environmental Plan 2014 (PLEP),
- Pittwater 21 Development Control Plan 2011 (P21DCP),

- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65),
- State Environmental Planning Policy (Resilience and Hazards) 2021, and
- State Environmental Planning Policy (Sustainable Buildings) 2022.

Architectural drawings including floor plans, elevations and sections have been prepared in relation to the development proposed. The application is also accompanied by a boundary survey, shadow diagrams, traffic impact assessment, landscape plans, arborist report, accessibility report, geotechnical investigation report, BCA report, stormwater management plans, schedule of finishes, BASIX Certificate, waste management plan, QS report and montage.

The proposal is permissible and compliant with the development standards applicable to this form of development on this particular site and compliant with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan. The minor variations to the side boundary setback control have been acknowledged and appropriately justified having regard to the associated objectives. Such variation succeeds pursuant to section 4.15(3A) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. We also confirm that the subject property is surrounded by established residential flat development such that there is no opportunity to consolidate.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

2.0 SITE DESCRIPTION AND LOCALITY

2.1 The Site

The development site is legally described as Strata Plan 57603, 32 Golf Avenue, Mona Vale. The property is rectangular in shape having frontage to Golf Avenue of 19.81m, depth of 70.41m and a site area of 1395.5m².

The site falls approximately 3m across its surface in a northerly direction towards the rear of the property with an easement to drain stormwater appurtenant to the northern corner of the property with such drainage easement conveying stormwater through 33 Darley Street East to the Darley Street East drainage system. The property contains a number of trees as identified in the accompanying arborist report however does not contain any remarkable landscape features. An aerial location/context photograph is at Figure 1 below.



Figure 1 - Aerial location/context photograph

The subject property is occupied by 4 x 2 storey townhouses with attached single storey garaging accessed via a driveway down the south-eastern boundary of the property. These properties currently drained through the appurtenant drainage easement. The existing buildings do not exhibit any remarkable architectural features as depicted in the survey extract and photograph at Figures 2 and 3.

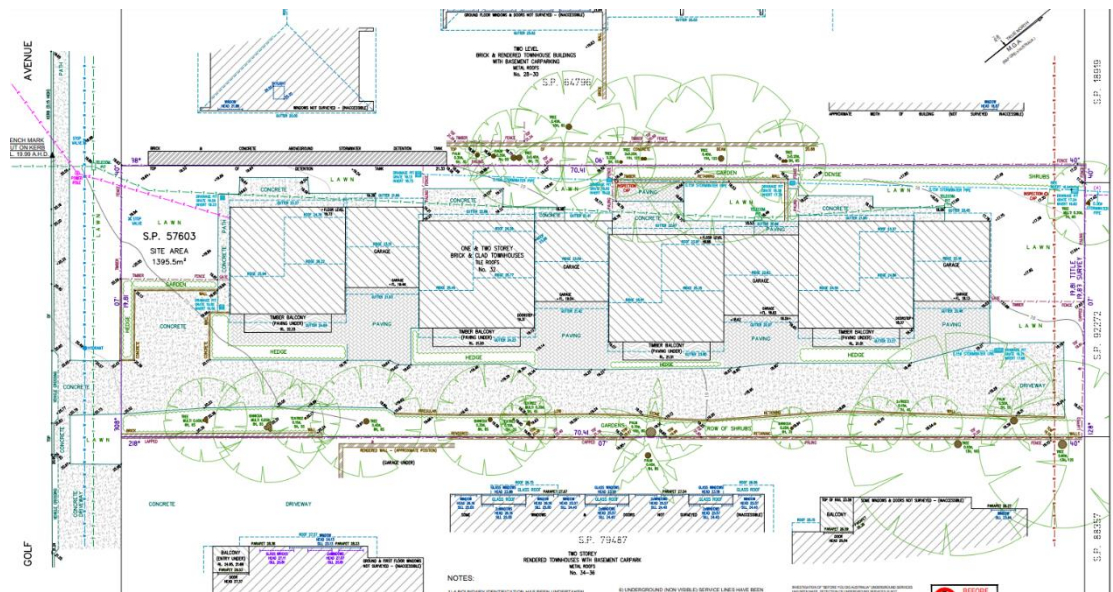


Figure 2 - Survey extract of development site



Figure 3 - Subject development site as viewed from Golf Avenue.

2.2 The Locality

Strategically positioned at the convergence of routes north to Palm Beach, west to Church Point, and south to Warringah, Mona Vale became the centre of trade and travel in the Pittwater area during the nineteenth century. The Rock Lily Hotel operating from 1886 became a landmark coaching inn where horses were changed and travellers rested. Industries developed among farming settlements and market gardens, including a timber yard in Waratah Street, and blacksmith and boat-building at Winnererremy Bay. From 1947 to 1976, food for Taronga Zoo animals was grown on 40 acres of land in the vicinity of Darley Road, Bassett and Mona Streets. Residential development in the locality increased from the 1950s.

Since this time, the locality has developed with a mix of residential, retail/commercial, industrial, recreational, community and educational land uses. Today, Mona Vale centre is the main commercial centre for the Pittwater area.

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.

The locality is serviced by the Mona Vale Commercial Centre, a major commercial, retail and community centre situated at the crossroads of Barrenjoey, Pittwater, and Mona Vale Roads. The Commercial Centre is focused around Mona Vale Village Park, Memorial Hall and Library. A hub of light industrial, automotive and like businesses adjoins the Commercial Centre to the north in the vicinity of Darley Road and Basset Streets. The locality also contains neighbourhood retail centres at the intersect of Pittwater Road and Vineyard Street, the eastern end of Darley Street, and Parkland Road. The locality also contains the Mona Vale Hospital, Mona Vale Primary School, Sacred Heart Catholic Primary School, Pittwater High School, Mona Vale Hotel, Mona Vale SLSC, Mona Vale library, Pittwater Council offices, community centre, cemetery, police station, fire station, and bus depot, and recreational facilities including Mona Vale Golf Course, Bayview Golf Course, Mona Vale Bowling Club, skateboard ramp, beaches and several reserves.

Surrounding development is characterised by 2 and 3 storey residential flat development with basement carparking as depicted on the aerial image at Figure 1. The subject property is located directly opposite Mona Vale Golf course and within immediate proximity of the Mona Vale Town Centre and regular B Line bus services.

3.0 DEVELOPMENT PROPOSAL

The application proposes the demolition of the existing townhouses and the construction of a residential flat development incorporating 2 building pavilions containing a total of 6 apartments over 2 levels with basement car parking for 14 vehicles including 2 visitor spaces accessed via a driveway from Golf Avenue. The proposed development is depicted on the following accompanying architectural plans prepared by Walsh Architects:

NUMBER	SHEET NAME	REVISION
DA000	COVER PAGE	A
DA010	EXISTING SITE PLAN	A
DA020	SITE ANALYSIS	A
DA030	DEMOLITION PLAN	A
DA040	PROPOSED SITE PLAN	A
DA100	SERVICE PLAN	A
DA101	BASEMENT PLAN	A
DA102	GROUND FLOOR PLAN	A
DA103	LEVEL 1 PLAN	A
DA104	ROOF PLAN	A
DA201	LONG SECTIONS	A
DA202	CROSS SECTIONS	A
DA203	CROSS SECTIONS	A
DA204	CROSS SECTIONS	A
DA300	ELEVATIONS	A
DA301	ELEVATIONS	A
DA400	AREA CALCULATIONS AND SILVER LIVING COMPLIANCE	A
DA501	SHADOW DIAGRAMS - 9AM JUNE 21ST	A
DA502	SHADOW DIAGRAMS - 12PM JUNE 21ST	A
DA503	SHADOW DIAGRAMS - 3PM JUNE 21ST	A
DA600	VIEWS FROM SUN - JUNE 21ST	A
DA601	VIEWS FROM SUN - JUNE 21ST	A
DA602	VIEWS FROM SUN - JUNE 21ST	A

Specifically, the application provides for the following built form outcome:

Lower Basement Plan

This floor plate contains an externally accessed body corporate meeting room and battery room with light and ventilation obtained via a landscaped void. Stair and lift access is provided to the levels above.

Upper Basement Plan

Carparking for 14 vehicles comprising 12 residential spaces and 2 visitor spaces access via a driveway from the Golf Avenue frontage. Designated areas for storage are also provided at this level together with a car turntable to facilitate the entry and exit of vehicles in a forward direction.

Ground Floor Plan

The front pavilion contains 2 x 3 bedroom apartments each containing open living area floor plans with direct access to front and rear facing private open space courtyards. The rear pavilion contains the ground floor living areas and adjacent rear courtyard areas associated with 2 x 2 storey apartments.

All apartments are accessed via a pathway down the south-eastern boundary. A waste storage area is located immediately adjacent to the property frontage.

First Floor Plan

The front pavilion contains 2 x 3 bedroom apartments each containing open living area floor plans with direct access to front and rear facing private open space balconies courtyards. The rear pavilion contains the first floor bedroom areas associated with 2 x 2 storey 3 bedroom apartments.

Whilst the proposal requires the removal of a number of trees as detailed within the accompanying arborist report such tree removal is reasonably anticipated given the R3 Medium Density Residential zoning of the land. Such tree loss is appropriately compensated for through the implementation of the enhanced site landscape regime as depicted on the accompanying landscape plans prepared by Plot Design Group. These landscape plans incorporate both deep soil and on slab landscape treatments which will soften and screen the development as viewed in the round and ensure that the building sits within a landscaped setting.

All stormwater will be collected and disposed of directly into the existing stormwater easement at the rear of the property which gravity drains to the Darley Street East kerb and gutter. The stormwater plans prepared by RTS Consulting nominate the provision of a new Council stormwater kerb inlet pit and the extension of the stormwater pipe to the existing Council stormwater kerb inlet pit to the north-west of the site.

The acceptability of the proposed excavation is detailed in the accompanying geotechnical investigation prepared by Crozier Geotechnical Consultants with the extent of excavation deemed acceptable subject to the imposition of standard conditions regarding construction management. Finally, the acceptability of the carparking design arrangement and the development's level of accessibility are detailed in the accompanying Traffic and Parking Assessment Report prepared by Genesis Traffic and the Access Design Assessment Report prepared by East Coast Accessibility.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 Pittwater Local Environmental Plan 2014

4.1.1 Zone and Zone Objectives

The subject property is zoned R3 Medium Density Residential pursuant to the provisions of PLEP 2014 with residential flat buildings permissible with consent in the zone. The zone objectives are as follows:

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

The residential flat building is defined as follows:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The application proposes the construction of 6 residential apartments with the resultant building appropriately defined as a residential flat building and therefore permissible with consent in the zone.

The development will provide for the housing needs of the community within a medium density residential environment and to that extent is consistent with the zone objectives as outlined. Accordingly, there is no statutory impediment to the granting of consent.

4.1.2 Height of buildings

Pursuant to clause 4.3 PLEP 2014 the height of any building on the land shall not exceed 8.5 metres above existing ground level. The stated objectives of this clause are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The dictionary to the LEP defines building height to mean:

building height (or ***height of building***) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

We note that Council has recently adopted the interpretation of ground level (existing) as that established in the matter of *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* where at paragraphs 73 and 74 O'Neill C found:

73. *The existing level of the site at a point beneath the existing building is the level of the land at that point. I agree with Mr McIntyre that the ground level (existing) within the footprint of the existing building is the extant excavated ground level on the site and the proposal exceeds the height of buildings development standard in those locations where the vertical distance, measured from the excavated ground level within the footprint of the existing building, to the highest point of the proposal directly above, is greater than 10.5m. The maximum exceedance is 2.01m at the north-eastern corner of the Level 3 balcony awning.*
74. *The prior excavation of the site within the footprint of the existing building, which distorts the height of buildings development standard plane overlaid above the site when compared to the topography of the hill, can properly be described as an environmental planning ground within the meaning of cl 4.6(3)(b) of LEP 2014.*

In this regard, it has been determined that the proposed development sits comfortably below the 8.5m building height standard in strict accordance with the control.

As the proposal satisfies the numerical provision it is also deemed to comply with the associated objectives.

4.1.3 Density controls for certain residential accommodation

Pursuant to clause 4.5A(2) of PLEP 2014 for a residential flat building on land zoned R3 Medium Density Residential unless the development complies with a maximum dwelling density of 1 dwelling per 200m² of site area. The stated objectives of this control are as follows:

- (a) to achieve planned residential density in certain zones,*
- (b) to ensure building density is consistent with the desired character of the locality.*

The subject property has a site area of 1395.5m² and accordingly a maximum residential dwelling density of 6.9775 dwellings, rounded up to 7 dwellings, is allowable for development on the land. The application proposes the construction of 6 dwellings in strict accordance with the density control.

4.1.4 Acid Sulfate Soils

Pursuant to clause 7.1 PLEP 2014 the site is mapped Acid Sulphate Soil Class 5. In accordance with the considerations at clause 7.1(2) PLEP as the proposed works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land no further investigation is warranted in this instance.

4.1.5 Earthworks

In accordance with the clause 7.2 PLEP 2014 the application is accompanied by a Geotechnical Investigation prepared by Crozier Geotechnical Consultants which assessed the acceptability of the earthworks proposed. Such report contains a number of recommendations which are to be complied with through the construction process and no objection is raised to an appropriately worded condition in this regard.

We consider that this report demonstrates compliance with the 7.2 PLEP 2014 provision.

4.2 Pittwater 21 Development Control Plan

This policy document came into effect on 1st February 2004. Pittwater 21 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 Pittwater 21 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 locality is identified as being:

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

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

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

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

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

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

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

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

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

In accordance with the Mona Vale Newport desired future character statement the building is compliant with the 8.5 metre height of buildings development standard. The building façades have been articulated and modulated in both the horizontal and vertical planes to emphasise the buildings low horizontal massing and enable the development to respond to the topographical characteristics of the site.

The development strikes a balance between keeping the building low into the site to reduce its visual prominence and excavation with the resultant building form and height ensuring the development will sit below the height of surrounding tree canopy level. The contemporary and highly articulated building design incorporates a palette of natural materials and finishes and substantial landscaping which will enable the development to blend into its urban environment.

The proposal provides for the implementation of an enhanced site landscape regime where the building will sit within a landscaped setting. To that extent the proposed dwelling will not be perceived as inappropriate or jarring in a streetscape or suburban context.

The building has been designed to respects the natural features on the site consistent with the desired future character statement for the Mona Vale Locality.

4.2.2 General Controls

Preservation of Trees

Whilst the proposal requires the removal of a number of trees as detailed within the accompanying arborist report such tree removal is reasonably anticipated given the R3 Medium Density Residential zoning of the land. Such tree loss is appropriately compensated for through the implementation of the enhanced site landscape regime as depicted on the accompanying landscape plans prepared by Plot Design Group.

These landscape plans incorporate both deep soil and on slab landscape treatments which will soften and screen the development as viewed in the round and ensure that the building sits within a landscaped setting.

Stormwater Management

All stormwater will be collected and disposed of directly into the existing stormwater easement at the rear of the property which gravity drains to the Darley Street East kerb and gutter. The stormwater plans prepared by RTS Consulting nominate the provision of a new Council stormwater kerb inlet pit and the extension of the stormwater pipe to the existing Council stormwater kerb inlet pit to the north-west of the site.

Off-street Vehicular Parking Requirements

The acceptability of the carparking design arrangement and the development's level of accessibility are detailed in the accompanying Traffic and Parking Assessment Report prepared by Genesis Traffic and the Access Design Assessment Report prepared by East Coast Accessibility. The Traffic and Parking Assessment Report contains the following conclusions:

The traffic and parking assessment undertaken for the proposed residential development at 32 Golf Avenue, Mona Vale has concluded that:

- the traffic generation of the proposed development will not present any adverse traffic implications,*
- the proposed parking provision will comply with the Council's DCP criteria and will adequately serve the development, and*
- the proposed access, internal circulation and parking arrangements will be appropriate to AS design criteria.*

Site Works Management

In accordance with Part B8 appropriate measures are to be undertaken to address the issues of construction and demolition impacts, erosion and sedimentation management, waste minimisation, site fencing and security, works in the public domain and traffic management where required.

Normal site management practices will be adopted to prevent public access during demolition and construction of the new building and to prevent erosion and sedimentation. As the majority of works and within the established building footprint and as the site is of adequate size, it is envisaged that all construction materials will be stored on site throughout the demolition and construction processes.

4.2.3 Development Type Controls

Design Criteria for Residential Development

Landscaping

Pursuant to clause C1.1 all canopy trees and a majority of other vegetation shall be locally native species. A range of low lying shrubs and canopy trees shall be provided to soften the built form. Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and natural features such as rock outcrops.

As previously indicated, the proposal requires the removal of a number of trees as detailed within the accompanying arborist report such tree removal is reasonably anticipated given the R3 Medium Density Residential zoning of the land and their location relative to a logical building footprint. Such tree loss is appropriately compensated for through the implementation of the proposed enhanced site landscape regime.

These landscape plans incorporate both deep soil and on slab landscape treatments which will soften and screen the development as viewed in the round and ensure that the building sits within a landscaped setting.

Safety and Security

In accordance with clause C1.2 building design should allow visitors who approach the front door to be seen without the need to open the door. Buildings and the public domain are to be designed to allow occupants to overlook public places and communal areas to maximise casual surveillance. Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.

The proposed residential flat building has been designed such that the main entrances are well defined and clearly visible from the street with casual surveillance opportunities to the adjacent public domain available from the street facing apartments.

View Sharing

Having inspected the site and its immediate surrounds, and noting that generally compliant building height proposed, we have formed the considered opinion that the proposed development will not give rise to unacceptable view impacts to surrounding properties.

Council can be satisfied that a view sharing outcome is achieved in accordance with the view sharing principles established in the matter of *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC140.

Solar Access

The accompanying shadow diagrams which have been prepared in plan view and views from the sun clearly demonstrate that at least two hours of solar access will be maintained to all surrounding residential apartments between 9am and 3pm on 21st of June in strict accordance with the ADG control.

Accordingly, the proposed development maintains appropriate solar access to surrounding development in accordance with the DCP provision.

Visual Privacy

Pursuant to clause C1.5 private open space, recreation areas and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation. Elevated decks, verandas and balconies should incorporate privacy screens where necessary and should, where possible, be located at the front or rear of the building. Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.

The development has been carefully designed to limit side boundary facing fenestration with primary living room windows and associated balconies/terraces orientated to the front and rear of the property to prevent direct overlooking opportunities into adjoining properties. Where side boundary facing windows and balcony elements are proposed, integrated privacy attenuation measures have been provided or setbacks increased. Such design response coupled with the integrated landscape design proposed provides appropriately for privacy between adjoining development.

In this regard, we have formed the considered opinion that the development provides for the retention of an appropriate level of visual privacy consistent with that reasonably anticipated for development located in the R3 Medium Density Residential zone. The proposal maintains appropriate visual and aural privacy between adjoining development in strict accordance with the control.

4.2.4 Locality Specific Development Controls

Character as Viewed from Public Place

The three dimensional form of the proposed building, and its relationship with adjoining development, has been dictated through detailed site and compliance with the applicable built for controls. The building presents as an appropriately articulated and modulated building form to the street and to that extent will not be perceived as inappropriate, jarring or antipathetic in a streetscape context or having regard to the desired future character of the Locality. The proposal integrates with the natural landform and will sit within a landscaped setting as depicted in the montage extract below.



Figure 4 - Photographic montage of the development as viewed from Golf Avenue.

Building Colours, Materials and Construction

The architectural form incorporates a combination of natural materials and colours ensuring the development will blend into the urban environment in which it is located.

Front Building Line

In accordance with clause D9.6 the minimum front building line shall be 6.5 metres or established whichever is the greater. The proposal maintains a minimum 6.5 metre front setback to the street facing upper-level apartment balcony with the primary building façade setback 10.99 metres from the front property boundary. Such front setbacks are in accordance with the control.

We note that the temporary waste collection holding area is an allowable encroachment within the front setback.

Side and Rear Building Line

Pursuant to clause D9.7 where the wall height is more than 3 metres above ground level (existing), the minimum distance from any point on the external wall of the building and a side or rear boundary shall not be less than the distance calculated in accordance with the following:

$$S = 3 + \frac{H - 2}{4}$$

where

S = the distance in metres

H = the height of the wall at that point measured in metres above existing ground level

The stated outcome of these controls is as follows:

- *To achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Substantial landscaping, a mature tree canopy and an attractive streetscape.*
- *Flexibility in the siting of buildings and access.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *To ensure a landscaped buffer between commercial and residential zones is established.*

The side boundary facing façades of the development have variable wall heights of between 7 and 8 metres when measured above ground level (existing) which would require a side boundary setback of between 4.25 and 4.5 metres when calculated in accordance with the setback formula. The proposal incorporates a variable side boundary setback of between 3.5 and 4 metres at ground level increasing to a predominant setback of 4.5 metres at first floor level. A rear boundary setback of between 5.4 and 6 metres is proposed being in excess of the setback control.

We note that the minor encroaching elements of the building at first floor level facilitate the provision of slot windows which are orientated at 45° to the boundary to prevent direct overlooking opportunities between adjoining development. These minor encroaching elements satisfy the relevant objective of the control which is to provide reasonable level of privacy to residential properties. These elements represent good contextual design and a superior outcome to that of a compliant setback with windows directly facing the side boundaries of the property.

The ground floor setbacks are also acceptable have regard to the objectives of the control as they do not result in a building displaying unacceptable bulk and scale, will not impact on views or vistas from public or private places, will not compromise privacy, amenity or solar access to adjoining development and provide for the implementation of an appropriate landscape regime around the perimeter of the site. That is, the objectives of this control are achieved notwithstanding the non-compliant setbacks proposed.

The side and rear boundary setbacks proposed respond positively to site circumstance including its geometry and context, provide for an appropriate spatial relationship between adjoining properties and achieves the desired outcomes associated with the setback control.

Such variation succeeds pursuant to section 4.15(3A) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Building Envelope

Control D9.9 requires all development to be sited within a building envelope, which is determined by projecting planes at 45 degrees from a height of 4.2 metres above natural ground level at the side boundaries. The stated outcomes of the control are as follows:

- *To achieve the desired future character of the Locality.*

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*
- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*
- *The bulk and scale of the built form is minimised.*
- *Equitable preservation of views and vistas to and/or from public/private places.*
- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*
- *Vegetation is retained and enhanced to visually reduce the built form.*

As depicted on the accompanying plans the proposal is fully compliant with the building envelope control. The development complies with the numerical provision and to that extent is deemed to comply with the associated outcomes/ objectives.

Landscaped Area

Pursuant to clause D9.10 the total landscaped area on land zoned R3 Medium Density Residential shall be 50% of the site area. Landscaped area is defined as follows:

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

The stated outcomes of such control are as follows:

- *Achieve the desired future character of the Locality.*
- *The bulk and scale of the built form is minimised.*
- *A reasonable level of amenity and solar access is provided and maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Conservation of natural vegetation and biodiversity.*
- *Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*
- *To preserve and enhance the rural and bushland character of the area.*
- *Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.*

The applicable variation provisions state that provided the outcomes of this control are achieved, and the bulk and scale of the development is not increased, the following may be permitted:

- *Areas with soil depth greater than 800mm above built structures (excluding drainage and waterproof membranes) may be included as landscaped area. Soil depths above built structures less than this will not be included as landscaped area.*

The application is accompanied by Landscaped Calculation Plan DA400(A) which demonstrates that the proposal provides for a landscaped area, as defined, of 702m² representing 50.4% of the site area in strict accordance with the control.

These landscape plans incorporate both deep soil and elevated planter treatments which will soften and screen the development as viewed in the round and ensure that the building sits within a landscaped setting consistent with the desired future character of the Newport Locality.

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

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 SEPP applies to the residential component of 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(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Act.

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposal is permissible and in conformity with the development standards applicable to this form of development on this particular site and compliant with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan as reasonably applied.

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

Context and Setting

i) What is the relationship to the region and local context on 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?*

These matters have been discussed in detail in the body of the report.

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 potential impacts are considered to be acceptable 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?*

These issues have been discussed in detail in the report. It has been determined that the development provides adequate carparking facilities and will not significantly increase traffic generation.

Public domain

The proposed development will have no additional impact on the public domain (ie roads, parks etc.).

Utilities

This matter has been discussed in detail in the body of this report.

Flora and fauna

These issues have been discussed in detail in the body of the report. The landscape concept plans accompanying this application proposes additional planting and landscaping treatments which will maintain the landscape quality of the site and locality generally.

Waste

Normal domestic waste collection applies to this development with a waste collection area provided within 6 metres of the Golf Avenue frontage to facilitate Council waste collection as detailed within the accompanying waste management plan.

Natural hazards

The proposal will be safe from hazards.

Economic impact in the locality

The proposed development will not have any significant impact on economic factors within the area other than short term employment opportunities during construction.

Site design and internal design

i) *Is the development design sensitive to environmental conditions 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 considered to be minimal and within the scope of the policy 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 can comply with the provisions of the Building Code of Australia as detailed in the accompanying report prepared by East Coast Approvals Group. The proposal complies with 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 application is accompanied by a waste management plan prepared in accordance with Council requirements. We anticipate Council applying standard conditions with regards to the amelioration of construction related impacts.

The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments 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?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

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

Any submissions received in accordance with this Act or the regulations.

It is envisaged that the consent authority will appropriately consider any submissions made in relation to the proposed development.

The public interest.

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 contained within the adopted legislative framework.

The development is of high quality architectural design that provides a positive contribution to the streetscape and is compatible with the form and character established by development within the sites visual catchment. For these reasons the development is considered to be in the public interest.

5.0 CONCLUSIONS

The project architect has responded to the client brief to design a contextually responsive building of exceptional quality which takes advantage of the sites superior locational attributes whilst providing high levels of amenity for future occupants. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of the site including the height, proximity and orientation of adjoining residential development and available view lines across the site.

The final design provides for a building of exceptional design quality which steps down the site in response to topography in a highly articulated and modulated building form broken into 2 pavilions and which provides appropriate deep soil landscape opportunity around the perimeter of the site to ensure that the buildings sit within a landscaped setting. The development will provide diversity in housing choice on a site ideally suited to medium density housing given its R3 Medium Density Residential zoning, its immediate proximity to the Mona Vale Town Centre and in circumstances where the desired future character statement for the Mona Vale Locality identifies the suitability of land immediately adjoining local centres for increased residential densities.

The building façades have been articulated and modulated in both the horizontal and vertical planes to emphasise the buildings low horizontal massing and enable the development to respond to the topographical characteristics of the site. Private open spaces have been orientated to the front and rear of the site to prevent direct overlooking to adjoining properties. This submission demonstrates that the proposal will not give rise to inappropriate or jarring streetscape, residential amenity or broader environmental consequences.

The proposal is permissible and compliant with the development standards applicable to this form of development on this particular site and compliant with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan. The minor variations to the side boundary setback control have been acknowledged and appropriately justified having regard to the associated objectives. Such variation succeeds pursuant to section 4.15(3A) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development. We also confirm that the subject property is surrounded by established residential flat development such that there is no opportunity to consolidate.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Act. It is considered that the application, the subject of this document succeeds on merit and is worthy of the granting of development consent.

A handwritten signature in black ink, appearing to read 'Greg Boston', with a stylized flourish at the end.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director