



statement of environmental effects



ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

22 HILLCREST AVENUE
MONA VALE NSW 2103

December 2024

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introduction

This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Zlat and Becc Jovanov to accompany the lodgement of a development application for alterations and additions to an existing dwelling house at 22 Hillcrest Avenue, Mona Vale (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by CMS Surveyors
- Architectural Plans by Rama Architects
- Landscape Plan by Rama Architects
- Geotechnical Report by White Geotechnical Group
- Coastal Risk Management Report by Horton Coastal Engineering
- Stormwater Management Plans & Certification by Stellen Consulting
- BASIX Certificate by Rama Architects
- Waste Management Plan by Rama Architects
- Clause 4.6 Request by Northern Beaches Planning

site details

The site is legally identified as Lot 1 in Deposited Plan 810465, and is referred to as 22 Hillcrest Avenue, Mona Vale. The site is trapezoidal in shape, with a 23.395m wide frontage to Hillcrest Avenue to the west, a maximum depth of 74.0m and a total area of 1577m². The site adjoins the ocean, with the rear boundary being the MHWL.

A one and two storey dwelling is situated on the site, with vehicular and pedestrian access obtained via an existing driveway to Hillcrest Avenue. The front of the site experiences a slight cross fall, from the upper northern side boundary down towards the southern side boundary. The rear of the site falls steeply to the ocean and is generally inaccessible.

Hillcrest Avenue is a two lane local street which terminates at a cul-de-sac approximately 350m to the south-east of the site. A pedestrian footpath extends across the road reserve adjacent to the site. Hillcrest Avenue is characterised by two and three storeys dwelling houses designed to capture available views.

Aerial images of the site and its surrounds are provided in Figures 1 and 2. Images of the site, the existing dwelling and the streetscape are also provided on the following pages (Figure 3-7).



Figure 1 – Aerial image with site bordered in yellow
Source: Nearmap



Figure 2 – Aerial image (zoom) with site bordered in yellow
Source: Nearmap



Figure 3 – The existing dwelling as seen from Hillcrest Avenue (immediately in front of the site)
Source: NBP



Figure 4 – The existing dwelling as seen from Hillcrest Avenue (centre), with 24 Hillcrest Avenue (right)
Source: NBP



Figure 5 – The existing dwelling as seen from Hillcrest Avenue (centre), with 24 Hillcrest Avenue (right)
Source: NBP



Figure 6 – A three storey dwelling at 30 Hillcrest Avenue
Source: NBP



Figure 7 – A three storey dwelling at 16 Hillcrest Avenue
Source: NBP

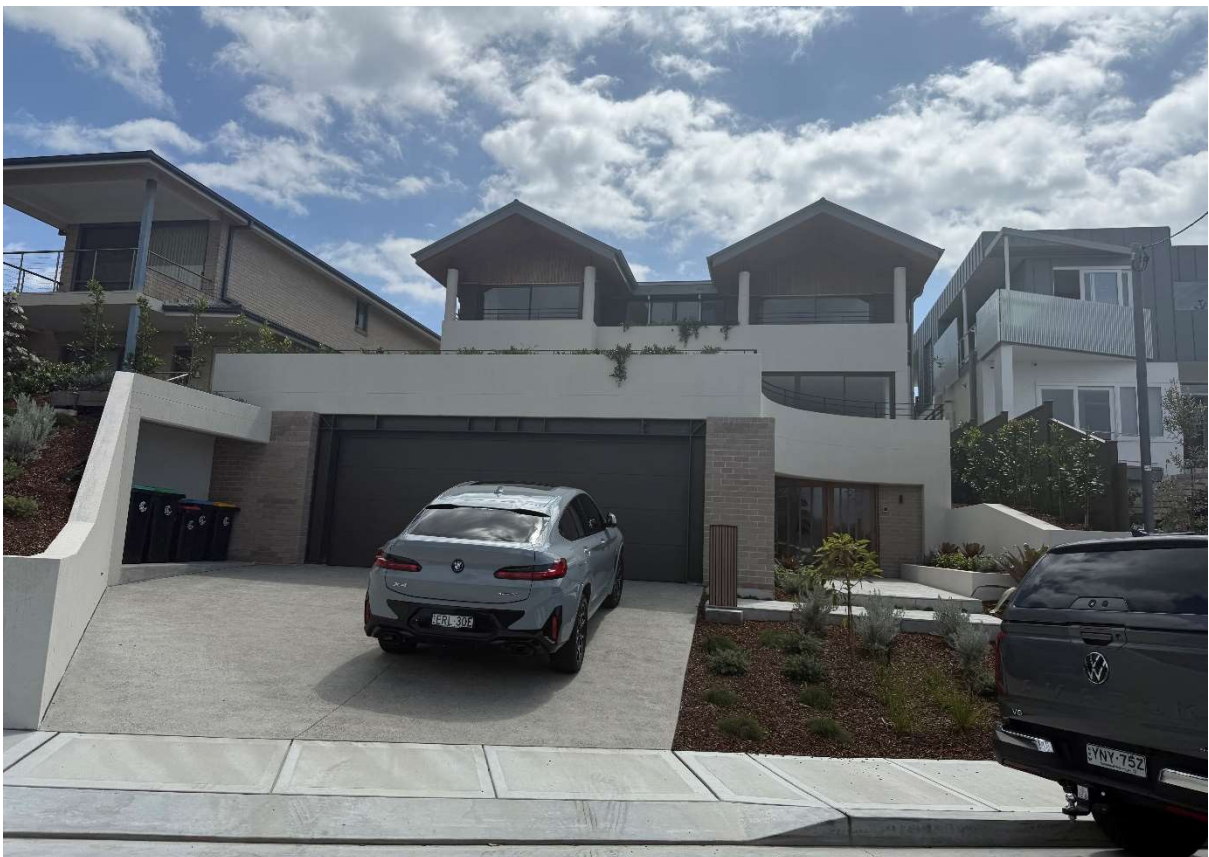


Figure 8 – Three storey dwellings at 40 and 42 Hillcrest Avenue
Source: NBP

proposed development

The application seeks consent for alterations and additions to the existing dwelling house at the site, as detailed on the Architectural Plans by Rama Architects.

Specifically, the works include:

- Alterations and additions to the existing Lower Ground Floor to accommodate a gym, bathroom and sauna within an existing subfloor space, the extension and reconfiguration of the existing rumpus room, relocation of the internal stair, reconfigured bathroom, retention of the existing double garage and one bedroom,
- Alterations and additions to the existing Ground Floor to accommodate an enlarged and reconfigured open plan kitchen/living/dining area, powder room, three bedrooms with ensuites, laundry, butlers pantry, reconfigured front terrace, reconfigured rear deck and relocated and new internal stairs,
- Construction of a new First Floor, comprising a master bedroom, robe, ensuite, balcony and internal stair,
- Construction of a new swimming pool and spa,
- Landscaping, and
- Stormwater infrastructure.

legislation, plans and policies

The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**):
 - Acid Sulfate Soils Map: Class 5
 - Lot Size Map: 700m²
 - Land Zoning Map: C4 Environmental Living
 - Height of Buildings Map: 8.5m
 - Geotechnical Hazard Map: Geotechnical Hazard H1
 - Coastal Hazard Map: Bluff/Cliff Instability
 - Foreshore Building Line Map: Foreshore Building Line
- Pittwater 21 Development Control Plan (**P21 DCP**)
 - Mona Vale Locality
 - Landscaped Area 1

environmental planning and assessment act

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

| Clause | Provision | Comment |
|---------------|--|---|
| (a) | <p><i>the provisions of—</i></p> <ul style="list-style-type: none"> <i>i. any environmental planning instrument, and</i> <i>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> <i>iii. any development control plan, and</i> <i>iv. 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</i> <i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <p><i>that apply to the land to which the development application relates,</i></p> | <p>The relevant provisions of PLEP 2014, all relevant SEPPs, and P21 DCP have been considered and addressed in this statement.</p> |
| (b) | <p><i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p> | <p>The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.</p> |
| (c) | <p><i>the suitability of the site for the development,</i></p> | <p>The subject site is suitable for the proposed development.</p> |
| (d) | <p><i>any submissions made in accordance with this Act or the regulations,</i></p> | <p>The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.</p> |
| (e) | <p><i>the public interest.</i></p> | <p>The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of PLEP 2014 and P21 DCP.</p> |

*state environmental planning policy
(biodiversity and conservation)*

Vegetation in Non-Rural Areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The application does not involve works in the vicinity of any existing canopy trees and does not propose the removal of any trees.

The application is also supported by a Landscape Plan by Rama Architects, which demonstrates a general enhancement of both the quality and quantity of landscaping on site the site. As such, the proposed development is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

*state environmental planning policy
(resilience and hazards)*

Coastal Hazard

The site is identified as land in the coastal use area on the Coastal Use Area Map and the coastal environment area on the Coastal Environment Area Map.

The provisions of chapter 2 of SEPP (Resilience and Hazards) are applicable in relation to the site and this proposal. The application is supported by a Geotechnical Report by White Geotechnical Group and a Coastal Risk Management Report by Horton Coastal Engineering which confirm that the proposed development can be undertaken safely with respect to the geotechnical & coastal hazards that affect the site.

Development on land within the coastal environment area

The application is accompanied by a Geotechnical Report by White Geotechnical Group which considers the geology & hydrology of the site and confirms that the proposal will not result in any adverse impacts in this regard. Further, the application is also accompanied by a Coastal Risk Management Report by Horton Coastal Engineering to confirm that the proposal is suitable with regard to coastal hazards.

The proposal will not compromise the coastal environment values of the locality or impact upon natural coastal processes, water quality or marine vegetation. In particular, the proposal has been designed to discharge stormwater to Hillcrest Avenue, with the overflow of the proposed swimming pool directed to the sewer.

The proposed swimming pool is wholly maintained within private property, and will not impact upon existing public open space, safe access to and along the foreshore or the use of the surf

zone. The site is not known to hold any significance due to Aboriginal cultural heritage, practices and places, nor are there any known sites of significance in the immediate vicinity.

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.10(1) of this policy.

Development on land within the coastal use area

The proposed development does not impinge upon the public domain or affect public access to or along the foreshore. Nor does the proposal result in any unreasonable or adverse overshadowing, wind funnelling or loss of views from public places to foreshores.

As above, the site is not known to hold any significance due to Aboriginal cultural heritage, practices and places, nor are there any known sites of significance in the immediate vicinity. Further, there are no known items of cultural or built environment heritage on the site or in its immediate vicinity.

The consent authority can be satisfied that the proposed development has been designed, sited and will be managed to avoid adverse impacts upon the relevant matters identified in section 2.11(1)(a) of this policy, and that the surrounding coastal and built environment has been taken into account with regard to the bulk, scale and size of the proposed development.

Coastal Zone

The proposed development is not likely to cause increased risk of coastal hazards on the land or other land, and the consent authority can be satisfied with respect to section 2.12 of this policy.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk, subject to the imposition of suitable conditions relating to demolition.

*state environmental planning policy
(sustainable buildings)*

The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

local environmental plan

The site is identified on the Land Application Map of PLEP 2014 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of PLEP 2014 are considered, as follows:

| Clause | Standard | Proposal | Compliance |
|--|----------|--------------|-----------------------------|
| Clause 2.3 Zone objectives and Land Use table | | | Yes |
| Clause 2.7 Demolition requires development consent | | | Yes |
| Zone C4 Environmental Living | | | Yes See discussion |
| 4.3 Height of buildings | 8.5m | 9.08m | No See discussion |
| 4.6 Exceptions to development standards | | | Yes |
| 7.1 Acid sulfate soils | Class 5 | | Yes |
| 7.2 Earthworks | | | Yes |
| 7.5 Coastal risk planning | | | Yes |
| 7.7 Geotechnical Hazards | | | Yes |
| 7.8 Limited development on foreshore area | | | Yes See discussion |
| 7.10 Essential services | | | Yes |

Zone C4 Environmental Living

The site is zoned C4 Environmental Living under the provisions of PLEP 2014. Pursuant to the land use table in Part 2 of this instrument, dwelling houses (and alterations and additions thereto) are permissible with consent.

Clause 2.3 of PLEP 2014 prescribes that the consent authority must have regard to the C4 zone objectives when determining an application on land within the C4 zone. The objectives of the C4 zone are considered, as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Comment: The proposed development has been sensitively designed with regard to both the positive attributes and the constraints of the site. The proposal is appropriately responsive to the streetscape context and surrounding development within the visual catchment of the site and the wider Mona Vale locality.

The proposal is largely retained within the footprint and massing of the existing dwelling, ensuring that development within the foreshore is appropriately minimised, with no encroachment upon the cliff face that bisects the site.

As such, Council can be satisfied that the proposed development is of low impact.

- *To ensure that residential development does not have an adverse effect on those values.*

Comment: The proposed development does not result in adverse impacts upon the natural environment, the visual quality of the site or the amenity of adjoining properties. The resultant dwelling is of a size and scale that is both compatible and commensurate with surrounding built form, that will sit comfortably in Hillcrest Avenue streetscape.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Comment: The proposed development has been designed to step in response to the cross fall of the site and is of a scale that is consistent with that of surrounding dwellings, many of which are three storeys in height. Council can be satisfied that the proposal is of a low density and scale, integrated with the landform and landscape, particularly when considered in the context of the Mona Vale locality.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment: The proposal does not involve the removal of any existing significant canopy trees or vegetation, with new landscaping proposed, as demonstrated on the accompanying Landscape Plan by Rama Architects. The landscape character and the habitat value of the site will be significantly enhanced as a result of the superior landscaped solution proposed.

Overall, Council can be satisfied that the proposed development is consistent with the objectives of the C4 zone.

Clause 4.3 Height of buildings

The proposed alterations and additions result in a maximum height of 9.08m when measured to existing ground levels, resulting in non-compliance with the 8.5m maximum building height development standard prescribed by this clause.

The height non-compliance is limited to a minor portion of the proposed roof form, where the natural levels of the land have been distorted by historical excavation. When measured from existing ground levels on both sides of the proposed dwelling, the height of the building is wholly maintained below the 8.5m height plane.

Clause 4.6 of PLEP 2014 provides the mechanism to vary the maximum height development standard. A request made pursuant to clause 4.6 of PLEP 2014 accompanies this application.

Clause 7.2 Earthworks

Clause 7.2(3) of PLEP 2014 lists matters that must be considered in deciding to grant development consent for works involving ancillary earthworks. These matters are considered, as follows:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The application is supported by a Geotechnical Report, which has regard for the groundwater and the stability of the land. Further, the application is supported by Stormwater Management Plans that demonstrate the appropriate management of stormwater on the site.

(b) the effect of the development on the likely future use or redevelopment of the land,

Comment: The application seeks consent for alterations and additions to an existing dwelling on the site, which will not adversely impact upon the future use of the site for residential purposes or jeopardise/prejudice any plans to develop the site in the future.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: Any fill introduced onto the site will be clean fill, with any soil removed from the site to be disposed of appropriately.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The proposed earthworks are relatively minor and will not result in any adverse impacts upon the amenity of adjoining properties.

(e) the source of any fill material and the destination of any excavated material,

Comment: Any fill introduced onto the site will be clean fill, with any soil removed from the site to be disposed of appropriately.

(f) the likelihood of disturbing relics,

Comment: There are no known relics on the site or in the immediate vicinity of any proposed works.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Comment: The site is not within a drinking water catchment, with no resultant adverse impacts upon the surrounding natural environment.

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

Comment: The Geotechnical Report includes recommendations to minimise the impacts of earthworks proposed.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment: The site does not contain any known items of heritage significance and is not located in the vicinity of any.

Clause 7.8 Limited development on foreshore area

The foreshore building line dissects the subject site at a distance of approximately 33m from the front boundary, as shown on the Foreshore Building Line Map of PLEP 2014.

The application seeks consent for a swimming pool and associated fencing within the foreshore area. In accordance with the provisions of 7.8(2) of PLEP 2014, swimming pools are permitted within the foreshore area.

Further, Council can be satisfied of the matters listed in clause 7.8(3) of PLEP 2014, as follows:

- a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*

Comment: The minor works within the foreshore area are appropriately described as low-impact and have been designed to integrate with the landform and landscape. As discussed with regard to the zoning of the land, the proposed development is consistent with the objectives of the C4 Environmental Living zone.

- b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

Comment: The proposed swimming pool will be integrated with the landform, will sit at ground level, and will be complemented by a high-quality landscape solution. As evident in Figure 9, swimming pools are common features in the rear yards of properties along Hillcrest Avenue, many of which encroach within the foreshore area.



Figure 9 – Aerial image of the site (bordered in yellow) and surrounding properties, with the FSBL in red
Source: NSW Planning Portal Spatial Viewer

c) *the development will not cause environmental harm such as—*

- i. pollution or siltation of the waterway, or*
- ii. an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
- iii. an adverse effect on drainage patterns, or*
- iv. the removal or disturbance of remnant riparian vegetation, and*

Comment: The proposed swimming pool does not necessitate the removal of any existing vegetation and will not result in any impacts upon the waterway or drainage patterns at the site.

d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

Comment: The proposed development is maintained within private property, within an area currently used for private open space. The proposed swimming pool will not cause congestion or conflict with people using the adjacent foreshore area.

e) *opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*

Comment: The proposed swimming pool is wholly maintained within the private property and will not impede access along the foreshore or to the waterway.

f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*

Comment: There is no known historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land in question.

g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*

Comment: N/A

h) *sea level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*

Comment: The application is supported by a Coastal Risk Management Report that has considered the proposed development in light of coastal hazard that affects the site.

The proposed development is consistent with the provisions of clause 7.8 of PLEP 2014.

development control plan

P21 DCP is applicable to the site and the proposed development. The site is identified within the Mona Vale Locality. The relevant provisions of P21 DCP are considered, as follows:

| Clause | Control | Proposal | Compliance |
|--|---|---|-----------------------|
| A1.7 Considerations before consent is granted | Have regard for the matters for consideration under section 4.15 of the EP&A Act. | The matters for consideration prescribed by section 4.15 of the EP&A Act have been considered (above). | Yes |
| A4.9 Mona Vale Locality | | | Yes See discussion |
| B1.3 Heritage Conservation – General | | | Yes |
| B1.4 Aboriginal Heritage | | | Yes |
| B3.1 Landslip Hazard | | The application is supported by a Geotechnical Report by White Geotechnical Group. | Yes |
| B3.4 Coastal (Bluff) Hazard | | The application is supported by a Coastal Risk Management Report by Horton Coastal Engineering. | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | | | Yes |
| B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land | Development shall result in no significant onsite loss of canopy cover or net loss in native canopy trees. | No tree removal is proposed. The application is supported by a Landscape Plan by Rama Architects. | Yes |
| 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. | The application is supported by Stormwater Management Plans prepared by Stellen Consulting, which demonstrate consistency with Council's Water Management Policy. | Yes |
| B6.1 Access Driveways and Works on the Public Road Reserve | | No change. | N/A |

| Clause | Control | Proposal | Compliance |
|---|--|--|------------|
| B6.2 Internal Driveways | | No change. | N/A |
| B6.3 Off-Street Vehicle Parking Requirements | 2 spaces (minimum) | 2 spaces | Yes |
| B8.1 Construction and Demolition – Excavation and Fill | Any excavation greater than 1.5 metres deep below the existing surface must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater. | The application is accompanied by a Geotechnical Risk management Report by White Geotechnical Group. | Yes |
| B8.3 Construction and Demolition – Waste Minimisation | | The application is accompanied by a Waste Management Plan by Rama Architects demonstrating consistency with Council's Waste Management Guidelines. | Yes |
| B8.4 Construction and Demolition – Site Fencing and Security | | | Yes |
| B8.5 Construction and Demolition – Works in the Public Domain | | | Yes |
| C1.1 Landscaping | All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. At least 2 canopy trees are to be provided in the front yard and 1 in the rear yard. | 3 canopy trees are proposed in the front yard and 1 canopy tree is proposed in the rear yard. Refer to Landscape Plan by Rama Architects. | Yes |
| C1.2 Safety and Security | | | Yes |
| C1.3 View Sharing | All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. | As demonstrated on the Site Analysis Plan by Rama Architects, the proposed extension at the eastern corner of the ground floor will result in a minor obstruction of a portion of views currently available from the rear terrace of 24 Hillcrest Avenue. However, this portion of the view is | Yes |

| Clause | Control | Proposal | Compliance |
|-----------------------|--|---|------------|
| | | <p>wholly regained when one moves further to the south on the site, with the expansive views obtained from the remainder of the property unaffected by the proposal.</p> <p>The minor impact is limited to that portion of available views obtained over the common side boundary and the impact does not arise due to non-compliance with Council's controls. As such, the impact is not unreasonable.</p> | |
| C1.4 Solar Access | 3 hours of direct sunlight to the main private open space and windows of principal living areas between 9am and 3pm in mid-winter. | The application is supported by Shadow Diagrams by Rama Architects which demonstrate that the proposed development will not result in any adverse impacts upon solar access. The built form has been sensitively arranged such that shadows associated with the upper floor addition are wholly maintained within the subject site. | Yes |
| C1.5 Visual Privacy | Private open space and living rooms of adjoining dwellings are to be protected from direct overlooking. | <p>Privacy measures are proposed, where necessary, to ensure that appropriate privacy between properties is achieved.</p> <p>The proposed upper-level terrace is limited to use by occupants of the main bedroom, and is situated at a minimum distance of 6.7m from the closest boundary in order to ensure suitable levels of privacy are retained.</p> | Yes |
| C1.6 Acoustic Privacy | | | Yes |

| Clause | Control | Proposal | Compliance |
|--|--|--|------------|
| C1.7 Private Open Space | 80m ² of private open space at ground level with dimensions no less than 3m. | | Yes |
| C1.12 Waste and Recycling Facilities | All development must comply with the appropriate sections of the Waste Management Guidelines and must be accompanied by a Waste Management Plan | The application is accompanied by a Waste Management Plan by Rama Architects demonstrating consistency with Council's Waste Management Guidelines. | Yes |
| C1.13 Pollution Control | | | Yes |
| C1.17 Swimming Pool Safety | | | Yes |
| C1.23 Eaves | 450mm eaves to all elevations | The proposed development does not comprise eaves. Nonetheless, the proposed dwelling is reflective of the coastal heritage and character of Pittwater, and appropriate thermal massing is achieved (and confirmed in the accompanied BASIX Certificate). | No |
| D9.1 Character as Viewed from a Public Place | Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted. | The proposed development is well articulated in the horizontal and vertical planes. The garage is appropriately integrated into the design of the dwelling and will not be the dominant element as seen from the street. Landscaping is integrated into the design to ensure that the visual impact of the development is appropriately minimised. | Yes |
| D9.3 Building Colours and Materials | | The dwelling is to comprise natural timber, grey stone and mid-grey bagged brick, as demonstrated on the Schedule of External Finishes by Rama Architects. | Yes |

| Clause | Control | Proposal | Compliance |
|---|--|---|----------------------|
| D9.6 Front Building Line | 6.5m | 5.5m – 10.6m | No See discussion |
| D9.7 Side and Rear Building Line | 2.5m to one side and 1.0m to the other Rear: FSBL | NW side: 1.5m-1.8m SE side: 2.0m Rear: FSBL – See clause 7.8 of PLEP 2014. | No See discussion |
| D9.9 Building Envelope | Buildings maintained within a plane projected at 45 degrees from a height of 3.5m above existing ground level along the side boundaries. | NW side: Within envelope SE side: Beyond envelope | No See discussion |
| D9.11 Landscaped Area – Environmentally Sensitive Land | 946.2m ² or 60% | 1014.7m ² or 64.4% | Yes |
| D9.12 Fences | | | Yes |
| D9.14 Construction, retaining walls, terracing and undercroft areas | | | Yes |

Clause A4.4 Mona Vale Locality

The site is located within the Mona Vale locality, as identified on the Mona Vale Locality Map of P21 DCP. The proposed dwelling house is consistent with the desired future character identified for the Mona Vale Locality, as follows:

- The dwelling house contributes to the existing low-density residential area.
- The dwelling house is generally limited to a maximum of two storeys in height.
- A minor portion of the building reaches three storeys in height, however this is consistent with the height, scale and character of dwellings along Hillcrest Avenue.
- The design of the proposed dwelling house is a highly considered and sensitive response to the positive attributes and constraints of the site.
- The proposed development is appropriately articulated and incorporates shade elements in order to reduce the visual impact of the development.
- The proposed materiality of the dwelling house will harmonise with the natural environment.

Clause D9.6 Front Building Line

The proposal seeks to ‘square up’ the façade of the existing dwelling, with a resultant increase to the front setback towards the south-eastern side of the site and a decrease to the front setback towards the north-western side of the site. It is the reduced setback at the north-western side which results in non-compliance with the 6.5m minimum front setback, as shown in Figure 10.

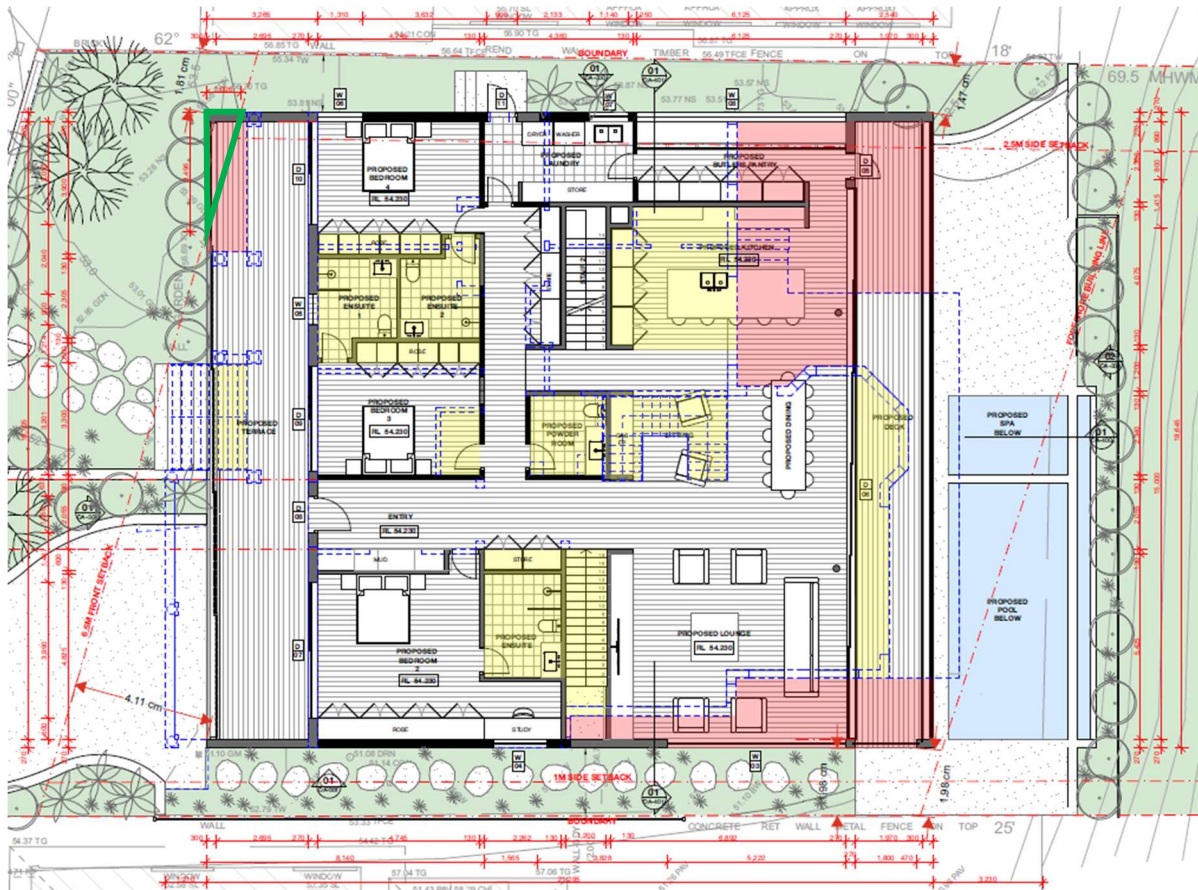


Figure 10 – Extract of the Ground Floor Plan with the encroaching element outlined in green
Source: Rama Architects

Despite the non-compliance, the proposed front setback is considered to be acceptable on merit for the following reasons:

- The non-compliance is limited to a minor corner of the ground floor (only),
- The non-compliance is offset by a significantly greater portion of the building that is setback well behind the 6.5m minimum setback prescribed,
- Where the non-compliance occurs, the setback of the dwelling aligns with the setback of the neighbouring dwelling, such that the non-compliance will not be perceived, and
- New landscaping, including canopy trees, are proposed within the front setback area to screen and soften the visual impact of the non-compliance as seen from the street.

Clause D9.7 Side and Rear Building Line

The existing dwelling is sited generally centrally between the two side boundaries, with existing setbacks of approximately 2.0m to one side and 1.7m to the other. The application seeks to retain and marginally extend these existing side setbacks, which inevitably results in non-compliance with the prescribed side setbacks, being 2.5m to one side and 1.0m to the other.

The non-compliance on the north-western side is offset by greater than required setbacks on the south-eastern side, such that the resultant development cannot be said to be unreasonably wide in

consideration of the applicable controls. Further, at no point are the external walls less than the 1.0m minimum setback prescribed.

The proposed non-compliance is reasonably supported on merit, particularly where the DCP provides an expressed variation for the continuation of an existing non-compliant setback in circumstances where alterations and additions to an existing dwelling are proposed.

Clause D9.9 Building Envelope

Clause D9.9 of P21 DCP prescribes that buildings are to be maintained within a plane projected at 45 degrees from a height of 3.5 metres above existing ground levels along the side boundaries. The proposed dwelling marginally protrudes beyond the prescribed envelope on the south-eastern side elevation, as demonstrated by the Building Envelope Diagrams by Rama Architects (Figure 11). However, as also helpfully demonstrated in the Building Envelope Diagrams, the proposed non-compliance is not dissimilar to that which currently occurs as a result of the existing pitched roof form.

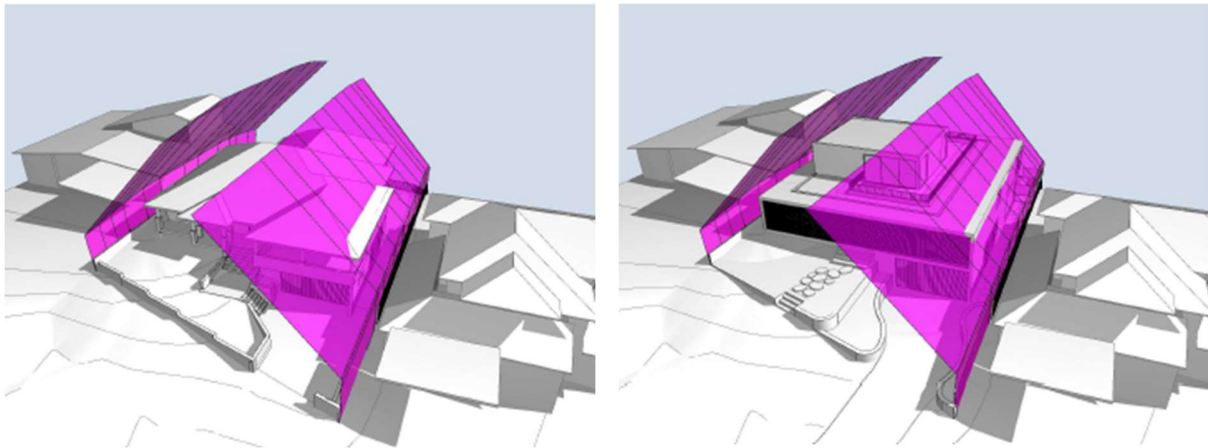


Figure 11 – Building Envelope Plane with existing breach (left) and Building Envelope Plane with proposed breach (right)
Source: Rama Architects

The protrusion beyond the prescribed building envelope is reasonably described as minor and does not attribute to any unreasonable impacts upon the amenity of neighbouring dwelling.

Further, despite the minor area of non-compliance, the development is otherwise consistent with the outcomes of the building envelope control, as follows:

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

Comment: The portions of the dwelling that protrude beyond the building envelope do not detract from consistency with the desired future character of the Mona Vale locality. The height and scale of the development is appropriately minimised and is stepped to respond to the fall of the land.

- *To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment.*

Comment: The proposed development will sit harmoniously in the streetscape, below the height of proposed canopy trees. The resultant dwelling is of superior architectural design, that is well articulated and is to be finished with quality materials that will blend with the natural environment.

- *To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

Comment: The height and scale of the dwelling is responsive to the natural topography of the land, and the siting of the dwelling is appropriately responsive to the orientation of the site and the existing dwelling.

- *The bulk and scale of the built form is minimised.*

Comment: The resultant dwelling house is well articulated. The area of non-compliance is minor in nature, and will be screened and softened by landscaping, ensuring that the apparent size of the dwelling is appropriately minimised.

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

Comment: The building envelope non-compliance does not result in any unreasonable impacts upon views.

- *To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

Comment: The portions of the development that protrude beyond the prescribed envelope will not result in any unreasonable impacts upon the adjoining properties with regard to solar access, acoustic or visual privacy.

In relation to solar access, the application is supported by Solar Access Diagrams by Rama Architects which confirm that high levels of solar access will be retained for the adjoining property to the south-east, consistent with the provisions of clause C1.4 of P21 DCP.

- *Vegetation is retained and enhanced to visually reduce the built form.*

Comment: The non-compliant elements do not result in the removal of existing vegetation. The quality of landscaping across the site is to be significantly enhanced, as demonstrated on the Landscape Plan prepared by Rama Architects provided to support the application.

As such, the minor variation to the prescribed building envelope is supportable on merit.

conclusion

The proposal is a well resolved and considered design solution for the site, which has high regard for the amenity of adjoining properties and the natural features of the site. The proposal will not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the desired future character of the Mona Vale Locality.

The proposal involves minor non-compliance with the front and side setback and building envelope controls of P21 DCP. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved.

Overall, the proposed development will positively contribute to the Hillcrest Avenue streetscape, and the application warrants Council's support in this regard.



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