

STATEMENT OF ENVIRONMENTAL EFFECTS

**Alterations and additions
to dwelling house**

**37 Heath Street, Mona
Vale**

RESPONSIBLE FOR THIS REPORT:

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1 Introduction

1.1 Overview

This report accompanies and supports a Development Application (DA) for alterations and additions to the existing dwelling house at 37 Heath Street, Mona Vale.

Markham-Lee Architecture have responded to the client's brief with an exceptional design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves alterations and additions of the existing dwelling house, including first floor addition, in a contemporary design that is responsive to the beach side character of the location.

The proposed development outcome provides a contemporary transformation of the existing single storey weather board dwelling, improved built form quality and improved private recreational spaces- designed to be appropriately connected to the main living spaces.

The result is a proposed development that is appropriately setback from the site edges to maximise light and ventilation, and to achieve privacy, to both the home and the adjoining properties; and that is responsive to micro-climatic conditions.

The proposal has been designed to have minimum impact on the surrounding amenity. The design is compliant with the key built form controls being building height, boundary envelope, side/rear setbacks, and provides compliant 'soft' landscaped area.

The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's built-form and streetscape context.

1.2 Statement of Environmental Effects

This report is a Statement of Environmental Effects, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

2 Site Analysis

2.1 Site Description

The site is located 37 Heath Street, Mona Vale. It is legally described as Lot 31, Sec G in Deposited Plan 7236. The site has an area of 929.0 m².

The property is rectangular in shape; the site dimensions are as follows:

- Northern front and southern rear boundary of 15.24m
- Eastern and western, side boundaries of 60.96m

2.2 Features of the site and its development

The key features of the site and its development include:

- The land is developed with a single storey, 3 bedroom, fibro residence, with metal roof with a granny flat positioned to the back of the property.
- There is an existing in ground swimming pool at the front of the dwelling.
- There are various decks and paved areas around the existing dwelling. At the western front boundary is an existing concrete driveway, and a carport.
- The site and the adjoining properties generally have a north/south orientation to Heath Street.
- The living areas are located on the northern side of the dwelling. The north side of the dwelling currently provides the principal area of private outdoor space on the property.
- There are a mix of housing types and development scales within the streetscape noting the presence of residential flat buildings (up to 4 storeys) multi-dwelling housing, single and 2 storey dwelling houses. There are also various building elements within the streetscape including, garages, carports, swimming pools and front fences.
- The property is relatively flat, with an overall level difference of approximately 0.13m between the rear south eastern corner and the front north eastern corner (RL 4.52 to RL 4.39).
- The site falls gently to the road by approximately 400mm, but is almost flat over the building footprint and rear yard with an average relative level of 4.5m AHD.
- The site is zoned R2 Low Density Residential and is located towards the eastern end of Heath Street in close proximity to the beach. The site has numerous trees, and shrubs, with large areas of lawn and is a typical site example of the residential lots found in the Mona Vale basin locality on flat terrain. The property is within a treed and vegetated setting.

The figures on the following pages depict the character of the property and its existing development.

2.3 Previous planning approvals

Recent planning approval history for the property includes:

Construction Certificate CC0049/15

New semi-inground spa, access deck and pool fencing with gate (Submitted: 21/01/2015)

Development Application N0446/14

New semi-inground spa, access deck and pool fencing with gate (Submitted: 08/12/2014)

Development Application N0016/14

Construction of swimming pool, associated decking and fences (Submitted: 21/01/2014)

Complying Development Certificate CDC0093/13

Construction of a secondary dwelling (Submitted: 17/08/2013)

Development Application AB6/0238/95

attached dual occupancy & subdivision construction of attached dual occupancy and subdivision. DA 2123/37 (Submitted: 28/09/1995)

2.4 Zoning and key environmental considerations

The property is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 (LEP) as is most of the surrounding land.

The site is not affected by key environmental considerations like, for example, biodiversity, geotechnical risk, heritage and bush fire.

The site is affected by acid sulfate soils, flood risk and coastal planning considerations. These matters will be addressed in Section 4 of this report. There are no zoning or environmental characteristics that present impediments to the improvements proposed to the land.

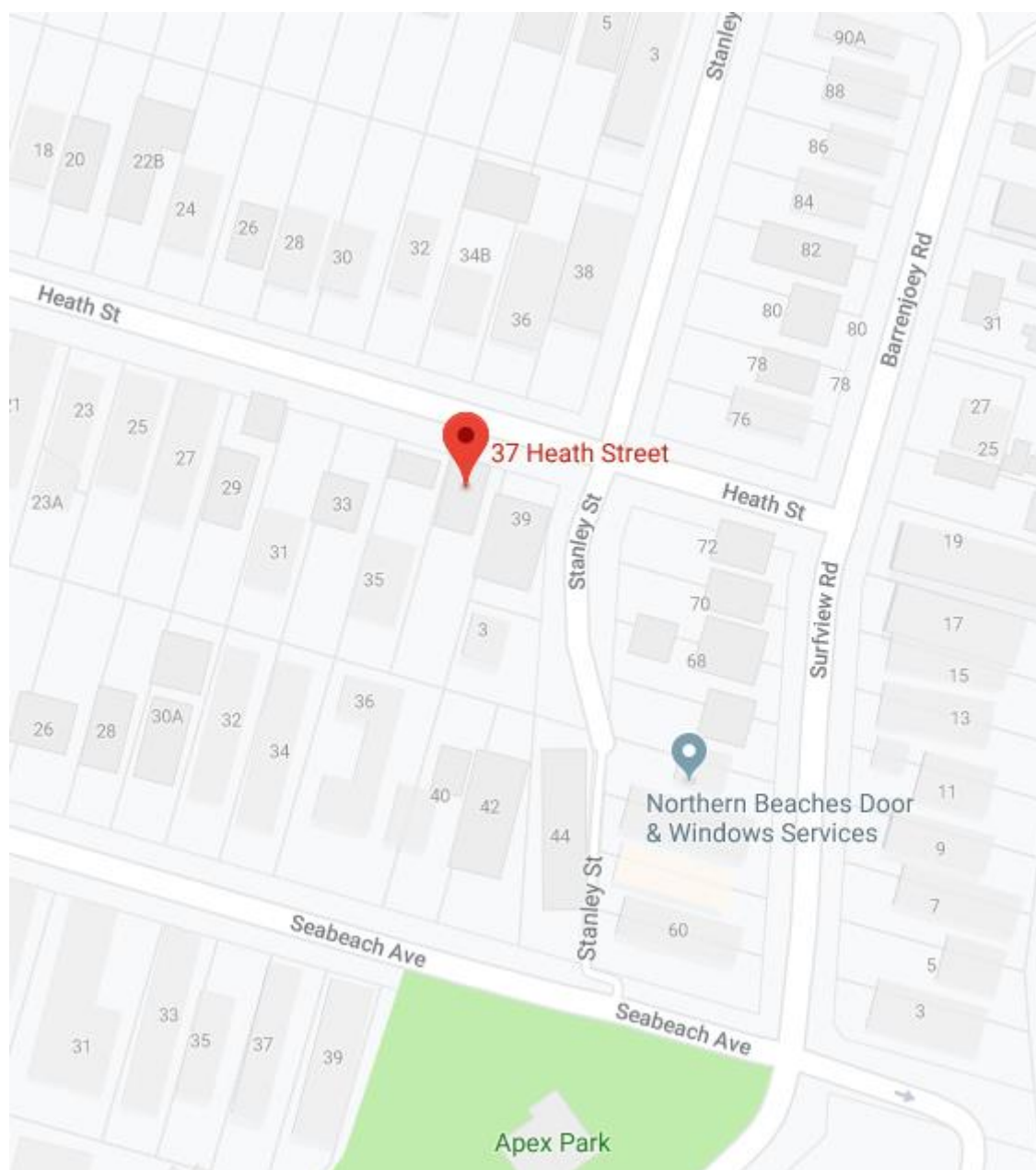


Figure 1 – Location of the site within its wider context (courtesy Google Maps)



Figure 2 –The site and its development context (courtesy Northern Beaches Council Website)



Figure 3 – existing Streetscape character of the subject site



Figure 4 – The north side of the dwelling provides the principal area of private outdoor space on the property. A vegetation buffer is established along the boundary interfaces of the property



Figure 5 – existing carport on western side of dwelling



Figure 6 – swimming pool and carport structures within the front setback area at 39 Heath Street (to the east)



Figure 7 - existing carport and western boundary interface view

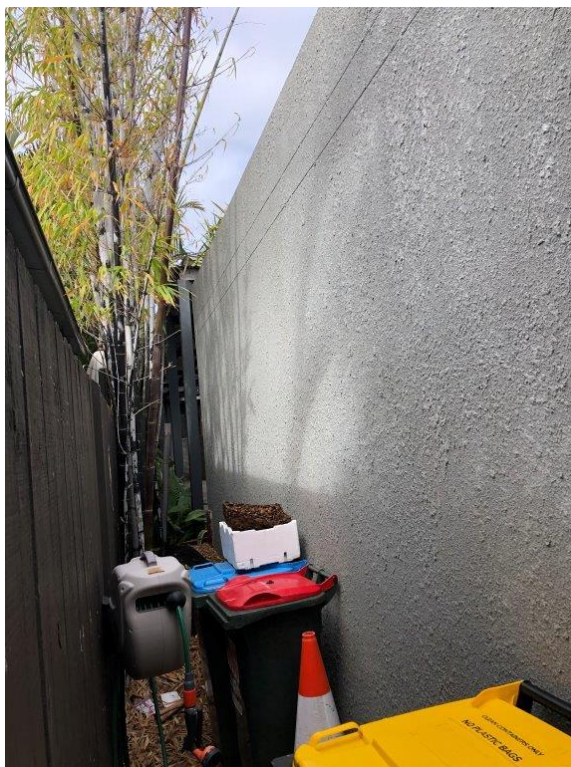


Figure 8 - A garage at 35 Heath Street adjoins the carport on the subject site



Figure 9 – streetscape character, south side of Heath Street to the west of the subject site



Figure 10 – streetscape character, south side of Heath Street to the west of the subject site



Figure 11 – streetscape character, south side of Heath Street to the west of the subject site



Figure 12 – streetscape character, south side of Heath Street to the west of the subject site

3 Description of Proposed Development

3.1 Overview

The application seeks development consent for alterations and additions to the existing dwelling house at 37 Heath Street, Mona Vale.

The proposed alterations and additions are depicted in the accompanying architectural plans by Markham-Lee Architecture. A breakdown of the key aspects of the proposal are noted as follows:

Dwelling modifications and site works

- Demolition of existing internal and external elements as marked on the architectural plans

Ground floor level

- Kitchen / open plan living / dining room
- Home office
- Covered / outdoor Living space to rear
- Laundry
- Rumpus room
- Bathroom

First floor level

- 3 bedrooms
- 2 bathrooms
- Narrow (1.5m) balcony to front (north) of master bedroom
- Void / light atrium to ground floor
- Study

Landscaping and site works

- Garden areas and landscaping as marked on the architectural plans

3.2 Additions and alterations

Consideration of the proposal has been made against the planning principle for determining if a development application should be described as being for additions and alterations rather than a new development (Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187).

The principle states that in *'determining whether an application is appropriate to be regarded as for additions and/or alterations or not, it is appropriate to follow, by broad analogy, undertaking both a qualitative and a quantitative analysis of what is proposed compared to what is currently in existence.* In undertaking this analysis, we have formed the considered opinion that the proposal satisfies this test. The following aspects of the proposal are noted against the planning principle's quantitative and qualitative considerations

The architectural plans provided show the extent of the alterations and additions proposed. The following quantitative considerations from the planning principle are noted:

- The plans show the existing and proposed developments.
- The plans show the internal / external walls and building elements proposed to be demolished versus those that are proposed to be retained.

The following qualitative considerations from the planning principle are noted:

- No significant or visually prominent landscaping will be removed or affect the setting of the building when viewed from public places or the adjoining private land.
- The use of the building will be retained as a single dwelling.
- Whilst the outlook from within the existing building will be altered due to the additional level, similar floor levels at the ground floor plane are maintained by the proposal.
- The existing pedestrian access arrangements for the building/site will be retained in a similar location within the frontage to the property.
- The existing vehicle access (cross over and driveway) and vehicle accommodation arrangements will be retained in the same location on the property.
- The majority of the existing vegetation that is established along the boundary interfaces of the property will be retained.
- The existing front fencing and landscaped interface with the street will be retained.
- The existing locations for private open spaces at the front and rear of the dwelling will be retained, albeit augmented in relation to the rear open space area.
- The existing detached secondary dwelling will be retained at the rear of the property.
- The existing and proposed development footprints are quite similar as illustrated within figures 17 and 18 below.

For these reasons the proposal is assessed as being appropriately described as alterations and additions.

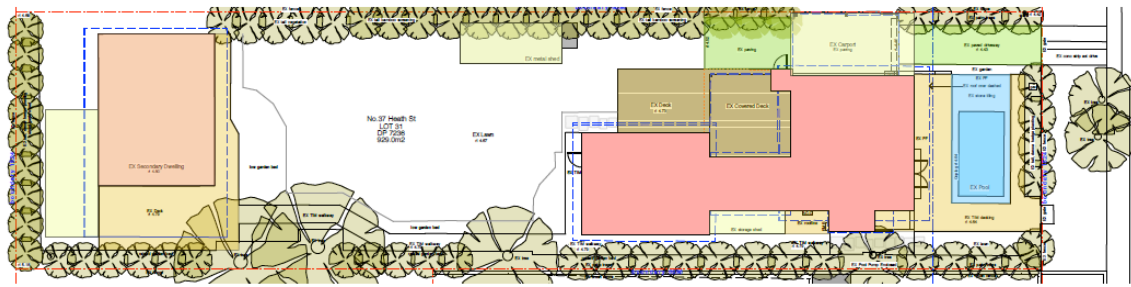


Figure 17 – existing development footprint

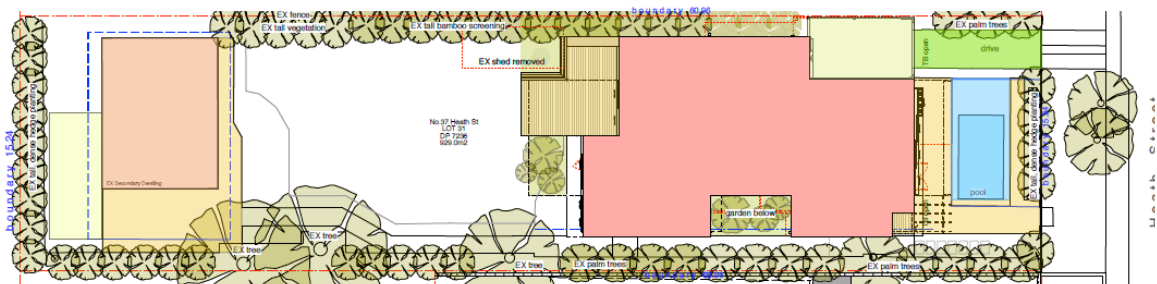


Figure 18 – proposed development footprint

4 Environmental Assessment

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- State Environmental Planning Policies – as relevant
- Pittwater Local Environmental Plan 2014
- Pittwater Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters is addressed within Section 5 of this report, and the town planning justifications are discussed below.

4.1 Pittwater Local Environmental Plan 2014

As previously noted, the site is zoned R2 Low Density Residential pursuant to the provisions of the Pittwater Local Environmental Plan 2014 (LEP).



Figure 19 – zone excerpt (Northern Beaches Council)

The proposal constitutes demolition and construction of a new dwelling. The proposal is permitted within this zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal.

The objectives of the zone are stated as follows:

- *To provide for the housing needs of the community within a low 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*

We have formed the considered opinion that the proposed development is consistent with the zone objectives as the land will continue to provide for the housing needs of the community.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size	700m ²	NA
LEP Clause 4.3 – Height of Buildings	Complies as shown on the architectural plans.	Yes
LEP Clause 4.4 – Floor space ratio	NA	NA
LEP Clause 4.6 – Exceptions to development standards	NA	NA
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	NA	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 7.1 Acid sulfate soils	As the proposal is within acid sulphate soils Class 4 on the LEP maps. Modest excavation for footings is proposed. No excavation is proposed below 2m of natural ground, and these will not affect the water table For these reasons an acid sulfate soils management plan is not assessed as necessary and the provisions of the clause are assessed as being satisfied by the proposal.	Yes
LEP Clause 7.2 Earthworks	Modest excavation for footings is proposed. The consent authority may be satisfied that in relation to any ancillary earthworks, that the matters within 7.2(3) (a) to (i) are able to be satisfied by the proposal. The provisions of	Yes

LEP Provision	Response	Complies
	the clause are assessed as being satisfied by the proposal.	
LEP Clause 7.3 Flood planning	<p>A flood information request was obtained from Council on 8 October 2019. It shows that the proposed development is located outside of the extent of flooding shown on 'flood map C' (excerpt below) which, to a very minor extent, affects the rear, south western edge of the property. The 1% annual exceedance probability (AEP) does not affect the footprint of the proposed development, meaning that the flood planning level does not affect the proposed development. For these reasons, and in response to clause 7.3(3), the consent authority may be satisfied that the development:</p> <ul style="list-style-type: none"> ▪ is compatible with the flood hazard of the land, and ▪ due to the minor flood affection to the site, the proposal will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and ▪ due to the minor flood affection to the site, the proposal does not need to incorporate appropriate measures to manage risk to life from flood, and ▪ due to the minor flood affection to the site, will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and ▪ due to the minor flood affection to the site, is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. <p>The provisions of the clause are assessed as being satisfied by the proposal.</p>	NA
LEP Clause 7.5 Coastal risk planning	NA	NA
LEP Clause 7.6 Biodiversity	NA	NA
LEP Clause 7.7 Geotechnical hazards	NA	NA



Figure 20 – Excerpt Flood Map C: Flood Planning Area Extent showing the site its development context and 1 in 100 year flood extents (courtesy Northern Beaches Council flood information request)

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposed demolition and construction of a new dwelling is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

4.3.2 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines of SEPP 55.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

4.3.3 State Environmental Planning Policy (Coastal Management) 2018

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018 which came into effect on 3 April 2018. It is applicable because the site is within the designated:

- Coastal environment area – Division 3 - Clause 13
- Coastal use area – Division 4 - Clause 14

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

Clause 13 - Development on land within the coastal environment area

The provisions of clause 13 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
<i>(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:</i>	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical studies.

13 Development on land within the coastal environment area	Response
	<ul style="list-style-type: none"> The proposal is assessed as satisfactory in relation to this consideration.
<i>(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,</i>	<ul style="list-style-type: none"> The subject site is established for residential purposes. Development is established on the site. Provision of appropriate stormwater management has been made for the site. The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i> The proposal is assessed as satisfactory in relation to this consideration.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> The subject site is established for residential purposes. Development is established on the site. The proposal is assessed as satisfactory in relation to this consideration.
<i>(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,</i>	<ul style="list-style-type: none"> The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> Not relevant to the assessment of the proposal. The proposal is assessed as satisfactory in relation to this consideration.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> Responses have been made above in relation to the considerations within subclause (1). The proposal is assessed as satisfactory in relation to these considerations.
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts.

13 Development on land within the coastal environment area	Response
	<ul style="list-style-type: none"> The proposal is assessed as satisfactory in relation to this consideration.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	<ul style="list-style-type: none"> Noted; not applicable.

Clause 14 Development on land within the coastal use area

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
<p>(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i></p> <p>(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following:</i></p>	
<p>(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i></p>	<ul style="list-style-type: none"> The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.
<p>(ii) <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i></p>	<ul style="list-style-type: none"> The proposal will not result in any significant or excessive overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. Given the nature of development contained within the site and the local context, particularly the nature, scale, and siting of development within properties surrounding the proposal is assessed as satisfactory in relation to this consideration.
<p>(iii) <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i></p>	<ul style="list-style-type: none"> The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. The proposal is assessed as satisfactory in relation to this consideration.

14 Development on land within the coastal use area	Response
<i>(iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> ▪ See above response.
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> ▪ See above response.
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA. ▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> ▪ Noted; not applicable.

5 Development Control Plan

The Pittwater Development Control Plan 21 is applicable to the proposal. Relevant provisions of the Pittwater DCP are addressed below.

5.1 Overview

The proposal is:

- located within a landscaped setting and will be appropriately treated to blend with the character of the property and the locality;
- compatible with the architectural form and style of the contemporary dwellings within the local context and will complement this character when viewed from the street and public spaces;
- designed from an appropriate mix of high-quality materials and finishes, in a contemporary style.

5.2 Mona Vale Locality

The property is within the Mona Vale Locality. This report demonstrates that the proposed new dwelling has been designed to meet the desired future character of the Mona Vale Locality through its design, siting and height and its ability to sit compatibility within a landscaped setting.

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, this is addressed separately below the table.

5.2.1 Main development controls

▪ DCP			
Control	Requirement	Proposed	Complies
Part D: Locality Specific Development Controls			
▪ Front building line	<ul style="list-style-type: none"> ▪ 6.5m or average of adjoining ▪ Objectives provided within 5.2.2 of this report below. 	Existing dwelling- 7.580 Proposed: <ul style="list-style-type: none"> ▪ 7.580m ▪ 5.6m (approx.) to cantilevered front balcony Existing in ground swimming pool & front fence to be retained.	<ul style="list-style-type: none"> ▪ Yes ▪ Yes ▪ No*. Satisfies the objectives and circumstances (see 5.2.2 of this report)
▪ Side and rear building line	Side: <ul style="list-style-type: none"> ▪ 1.0m one side 	Side setbacks	

	<ul style="list-style-type: none"> 2.5m to other side <p>Variation</p> <ul style="list-style-type: none"> <i>Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.</i> 	<p>Proposed: East ground floor - 2.135m to 5.3m (kitchen).</p> <p>East: proposed upper level addition – 4.5m</p> <p>West: proposed ground floor - additions 1.2 m – 3.8m (the new)</p> <p>West: proposed upper level addition – 3.8m</p> <p>It is noted that the proposed side setbacks are significant and relate to <i>alterations and additions to an existing building</i>. The proposed side setbacks are assessed as adequate to accommodate the proposal without any significant impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views.</p>	<ul style="list-style-type: none"> Yes Yes
	Rear: 6.5 m	Rear setback – Approximately 29.2m to the proposed additions	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> Building Envelope 	3.5m at 45 degrees measured at the side boundary	<ul style="list-style-type: none"> Complies – as marked the on architectural plans. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> Landscaped Area - General 	<ul style="list-style-type: none"> 50% minimum 	<p>Existing:</p> <ul style="list-style-type: none"> 447.9m²/48.2% <p>Proposed:</p> <ul style="list-style-type: none"> 455.3 m²/49.1% 	<ul style="list-style-type: none"> Yes
Part C: Development Type Controls			
<ul style="list-style-type: none"> Private Open Space (PoS) (C1.7 DCP) 	<ul style="list-style-type: none"> 80 m² at ground floor 16 m² (out of the 80m²) must be provided off a principal living area of the dwelling. 4m x 4m min dimension and grade no steeper than 1 in 20 (5%) 	<ul style="list-style-type: none"> Existing and proposed complies. 	<ul style="list-style-type: none"> Yes

<ul style="list-style-type: none"> ▪ Solar Access (C1.4 DCP) 	<ul style="list-style-type: none"> ▪ Min 3 hours to each proposed dwelling within the site. ▪ Min 3 hours to neighbouring dwellings PoS areas. ▪ In accordance with Clause C1.4 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. ▪ Windows to the principal living areas of the proposal and the adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st to at least 50% of the glazed area. 	<ul style="list-style-type: none"> ▪ The proposal is accompanied by shadow diagrams demonstrating the extent of proposed shading. ▪ The subject site and the adjoining properties have an south / north orientation to Heath Street. ▪ The shade extent is minimised in this instance by the relatively small 'footprint' of the proposed upper floor addition and the generous side setbacks proposed. ▪ The proposed shading outcome provides a modest and acceptable increase in shading, consistent with orientation of the allotment/- subdivision and development pattern along the street. ▪ It is concluded that the proposal will not significantly or unreasonably reduce the available sunlight to the adjoining properties and the provisions of the control have been satisfied. 	<ul style="list-style-type: none"> ▪ Yes
<ul style="list-style-type: none"> ▪ Views 	<ul style="list-style-type: none"> ▪ New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. 	<ul style="list-style-type: none"> ▪ Given the relatively flat topography, the siting of the existing dwelling additions, and the neighbourhood context of the property, the proposal is not anticipated to significantly or unreasonably impede any established views from surrounding residential properties or public vantage points. ▪ Noting these characteristics, the proposal will achieve an appropriate view sharing 	<ul style="list-style-type: none"> ▪ Yes

		outcome between the properties. The provisions of this control are satisfied by the proposal.	
<ul style="list-style-type: none"> Privacy 	<ul style="list-style-type: none"> Privacy DCP's objectives. 	<p>Privacy has been considered in the proposed design and satisfies the DCP's privacy objectives. The following key aspects are noted:</p> <ul style="list-style-type: none"> Amenity in the forms of sunlight and sea breezes are available to the north and north east of the property. The north of the dwelling provides the principal area of private outdoor space on the property. The proposed north facing balcony at first floor level is limited in depth to 1.5m, its area is modest and not suitable for the congregation of large groups of people, and it is well setback from the sides of the property. A vegetation buffer is established along the side interfaces of the property and is proposed to be maintained. The established site/landscape conditions will be maintained and are assessed as appropriate in accommodating the proposed alterations and additions that are proposed. It is concluded that the proposal will not significantly or unreasonably affect the visual privacy of the neighbouring properties. 	<ul style="list-style-type: none"> Yes
Part B: General Controls			
<ul style="list-style-type: none"> B5.10 Stormwater Discharge into 	<ul style="list-style-type: none"> Connected by gravity means to street or established piped system. 	<ul style="list-style-type: none"> Connected by gravity means to the existing system. 	<ul style="list-style-type: none"> Yes

Public Drainage System.			
<ul style="list-style-type: none"> Car Parking (B6.5 DCP) 	<ul style="list-style-type: none"> 2 spaces per 2 or more bedroom dwellings 	<ul style="list-style-type: none"> The land is developed with a single storey, 3 bedroom, fibro residence. 2 car parking spaces in a tandem arrangement are accommodated on the property which will be retained. 	<ul style="list-style-type: none"> Yes
RESIDENTIAL DEVELOPMENT CONTROLS			
<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> The proposed alterations and additions will improve the property's built-form quality and streetscape presence, noting the context which has a mix of flat and pitched roof developments along with the mixed character of the surrounding development. The proposal will present appropriately to the site's street frontage. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> 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>	<ul style="list-style-type: none"> The proposed alterations and additions will be within a landscaped setting and will present appropriately to the street. The proposal is of a character and scale that will be compatible with other dwellings within the site's context. 	<ul style="list-style-type: none"> Yes
<ul style="list-style-type: none"> Building Colours and Materials 	<p>The development enhances the visual quality and identity of the streetscape.</p> <p>To provide attractive building facades which establish identity and contribute to the streetscape.</p> <p>To ensure building colours and materials compliments and enhances the visual character its location with</p>	<ul style="list-style-type: none"> The proposed alterations and additions will present appropriately to the public spaces around the property. The proposed materials and finished will employ earthy tones, compatible with the location and context. 	<ul style="list-style-type: none"> Yes

	<p>the natural landscapes of Pittwater.</p> <p>The colours and materials of the development harmonise with the natural environment.</p> <p>The visual prominence of the development is minimised.</p> <p>Damage to existing native vegetation and habitat is minimised.</p>		
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5.2.2 Variation – Front building line

Control D9.6 Front building line, contains the numerical requirement of 6.5m or the established building line, whichever is the greater. As identified within the above table, a variation is exhibited by the proposal. The variation relates to a narrow balcony, 1.5 m deep and 6.5m wide which is proposed to the front (north) of the first floor master bedroom.

The site frontage is 15.24m wide. The proposed cantilevered first floor balcony encroaches within the existing development's front setback (which is 7.58m to the dwelling façade) by approximately 1.5m for 45% of the dwelling's street frontage.

This variation is acknowledged, and justification is provided below having regard to the circumstances of the case, merits of the design, and in response to the objectives of the planning control.

The objectives ('Outcomes) of the front building line control are noted as follows:

Outcomes

- *'Achieve the desired future character of the Locality. Equitable preservation of views and vistas to and/or from public/private places.*
- *The amenity of residential development adjoining a main road is maintained.*
- *Vegetation is retained and enhanced to visually reduce the built form.*
- *Vehicle manoeuvring in a forward direction is facilitated.*
- *To preserve and enhance the rural and bushland character of the locality.*
- *To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*
- *To encourage attractive street frontages and improve pedestrian amenity.*
- *To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment'.*

The proposal is considered against each of these objectives within the table below.

Objective	Response
<p><i>Achieve the desired future character of the Locality. Equitable preservation of views and vistas to and/or from public/private places.</i></p>	<ul style="list-style-type: none"> ▪ The locality is best characterised as having a coastal and beachside character. The proposed cantilevered balcony at first floor level is assessed as being consistent with this character. The proposed cantilevered balcony is assessed as contributing to this character by adding depth and visual interest to the front façade of the existing and proposed development without inappropriately increasing the bulk of the dwelling. ▪ The proposed north facing balcony at first floor level is limited in depth to 1.5m, its area is modest and not suitable for the congregation of large groups of people, and it is well setback from the sides of the property, it will enhance an appropriate level of activation and casual observation between the dwelling and street. It will facilitate ventilation of the upper level of the dwelling and will assist in shading the proposed north facing glazing panels to the ground floor living room. ▪ The proposed cantilevered balcony at first floor level will not impede any significant views and vistas to and/or from public/private places. ▪ The proposed north facing balcony will facilitate ventilation and solar gain of the upper level of the dwelling and will assist in shading the proposed north facing glazing panels to the ground floor living room. No physical amenity impacts on adjoining properties will result from the proposed front building setback. ▪ For these reasons it is assessed that the design will enhance the streetscape amenity and the proposal will be compatible with the <i>desired future character of the locality</i>.
<p><i>The amenity of residential development adjoining a main road is maintained.</i></p>	<ul style="list-style-type: none"> ▪ The proposal does not adjoin a main road and therefore the proposal is not antipathetic to the first objective of the control.
<p><i>Vegetation is retained and enhanced to visually reduce the built form.</i></p>	<ul style="list-style-type: none"> ▪ The majority of the existing vegetation that is established along the boundary interfaces of the property will be retained. The existing front fencing and landscaped interface with the street will be retained. The existing vegetation is effective in enhancing and visually reducing the prominence of the site's built-form. ▪ Based on the above it is concluded that the proposal satisfies the second objective of the control.
<p><i>Vehicle manoeuvring in a forward direction is facilitated.</i></p>	<ul style="list-style-type: none"> ▪ The existing vehicle access (cross-over / driveway) and vehicle accommodation arrangements will be retained in the same location on the property. No changes are proposed to these aspects of the existing development.

Objective	Response
	<ul style="list-style-type: none"> Based on the above it is concluded that the proposal satisfies the third objective of the control.
<p><i>To preserve and enhance the rural and bushland character of the locality.</i></p>	<ul style="list-style-type: none"> The locality is best characterised as having a coastal and beachside character. The proposed cantilevered balcony at first floor level is assessed as being consistent with this character. The cantilevered balcony is assessed as contributing to this character by adding depth and visual interest to the front façade of the existing and proposed development without inappropriately increasing the bulk of the dwelling. The proposed cantilevered balcony at first floor level is assessed being complementary and compatible with the architectural form and style of the contemporary dwellings within the local context and will complement this character when viewed from the street and public spaces; It is concluded that the proposal satisfies the fourth objective of the control.
<p><i>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</i></p>	<ul style="list-style-type: none"> There are a mix of housing types and development scales within the streetscape noting the presence of residential flat buildings (up to 4 storeys) multi-dwelling housing, single and 2 storey dwelling houses. There are also various building elements within the streetscape including, garages, carports, swimming pools and front fences. The two-storey scale of the proposal is appropriate noting the range of building types and scales within the street. The proposed cantilevered balcony at first floor level is assessed being complementary and compatible with the architectural form and style of the contemporary dwellings within the local context and will complement this character when viewed from the street and public spaces; The proposal maintains the existing density on the site. The proposed cantilevered balcony is of an appropriate scale when considering the proposed building's 2-storey form, the significant side setbacks to the proposed upper level and the landscape character and setting of the proposal. Based on the above it is concluded that the proposal satisfies the third fifth objective of the control.
<p><i>To encourage attractive street frontages and improve pedestrian amenity.</i></p>	<ul style="list-style-type: none"> The proposal will improve the appearance of the dwelling (Figures 21 and 22 below) The proposal comprises a site-specific design, with a building footprint that steps responsive to the site boundaries, utilises high quality materials and maintains the established vegetation to the perimeter of the site within the front setback. The proposed development will result in a new and enhanced building form with net streetscape improvements.

Objective	Response
	<ul style="list-style-type: none"> Based on the above it is concluded that the proposal satisfies the sixth objective of the control.
<p><i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment'.</i></p>	<ul style="list-style-type: none"> Consideration has been made of the established streetscape character which comprises a mix of 1 & 2 storey dwellings, and some 3 and 4 storey residential flat buildings and their ancillary structures. The proposal comprises a site-specific design, with a building footprint that steps responsive to the site boundaries, utilises high quality materials and maintains the established vegetation to the perimeter of the site within the front setback. The proposed north facing balcony at first floor level is limited in depth to 1.5m, its area is modest and not suitable for the congregation of large groups of people, and it is well setback from the sides of the property. The proposed north facing balcony will facilitate ventilation and solar gain of the upper level of the dwelling and will assist in shading the proposed north facing glazing panels to the ground floor living room. No physical amenity impacts on adjoining properties will result from the proposed front building setback. For these reasons it is assessed that the design will enhance the streetscape amenity and the proposal will be compatible with the desired character of the locality. Based on the above it is concluded that the proposal satisfies the final objective of the control.

Conclusion

Based on the above, it is concluded that:

- the proposal is reasonable;
- the proposal meets the objectives of B7 front boundary setback control;
- there are sufficient merits and circumstances to justify this variation in this instance

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied. Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that the proposed front setback is worthy of support, in the particular circumstances.



Figure 21 – streetscape presentation of the existing dwelling



Proposed Streetfront Elevation (northern)

Figure 22 – streetscape presentation of the proposal

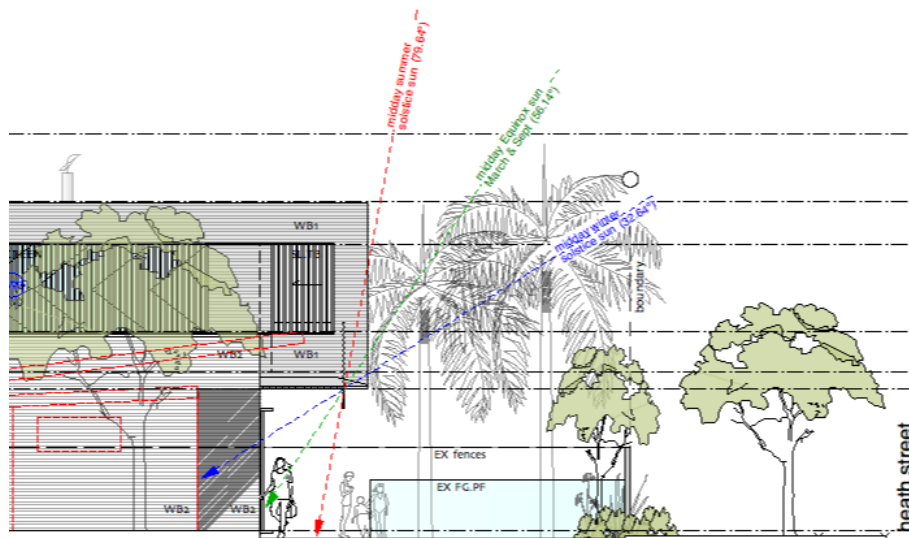


Figure 23 – excerpt of east elevation showing passive solar design of proposed balcony to ground floor glazing panels to living room



Figure 24 – streetscape character, south side of Heath Street to the west of the subject site



Figure 25 – streetscape character, south side of Heath Street to the west of the subject site



Figure 26 – streetscape character, south side of Heath Street to the west of the subject site



Figure 27 – streetscape character, south side of Heath Street to the west of the subject site

6 Section 4.15 the Environmental Planning and Assessment Act 1979

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from renewal of the existing housing stock with a BASIX compliant dwelling.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP and the relevant provisions of the Council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for alterations and additions to the existing dwelling house at 37 Heath Street, Mona Vale.

Markham-Lee Architecture have responded to the client's brief with an exceptional design that is responsive to the prevailing planning objectives for the site and the development character of the location. The proposal involves a contemporary building design that is responsive to the flat topography of the location.

The result is a proposed development, that is well setback from the site edges to maximise light and ventilation and to achieve privacy, view sharing to the home and the adjoining properties and that is responsive to micro-climatic conditions. The proposal has been designed to have minimum impact on the surrounding amenity. The design is compliant with the key built form controls being building height, boundary envelope, setbacks and landscaped area. The proposal will improve the site's streetscape and built form quality. It will also be complementary and compatible with the site's land use and built form context.

The property can accommodate the proposal without any significant changes or impacts on the existing development character or neighbouring amenity in terms of sunlight, privacy or views. This report demonstrates that the proposal is appropriately located and configured to complement the property's established neighbourhood character.

The proposal succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 and should be granted development consent.

BBF Town Planners



Michael Haynes
Director

Appendix 1 DA Appendices – under separate cover