

28th September 2023

The CEO
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Development Determination Panel

Dear panel member,

**Development Application DA2023/0246
Supplementary Statement of Environmental Effects
Construction of a Secondary Dwelling
18 Hillcrest Avenue, Mona Vale**

Reference is made to the minutes of the Development Determination Panel meeting of 13 September 2023 in which the panel resolved to defer the application to enable a redesign to address the reasons for refusal contained within the assessment report. This submission represents a considered response to the reasons for refusal and is to be read in conjunction with the following amended/ updated documentation:

- Amended Architectural plans (Revision C) prepared by Gartner Trovato Architects.
- Amended landscape plans prepared by Discount Landscape Plans.
- Updated Stormwater Management Plans prepared by Barrenjoey Consulting Engineers.
- Addendum geotechnical assessment and Form 1 and Form 1(a) prepared by Crozier Geotechnical Consultants.
- Updated BASIX Certificate

The amendments can be summarised as follows:

A-00(C)- Cover Sheet/Location Plan

- Updated to reflect plan changes

A-01(C)- Site Plan/Analysis

- Updated to reflect plan changes

A-02(C)- Site Plan/Analysis

- Secondary Dwelling layout revised to fit in SW corner 2.5m off Western Boundary and 3.0m off Southern Boundary
- Ensuite relocated to SW Corner @ RL 50.30
- Living/Dining/Kitchen Combined @ RL 49.80
- Bedroom Relocated to the West @ RL 50.30
- NW Deck reduced in size
- Water Tank Relocated
- Access Stair relocated to East adjacent Bedroom

A-04(C)- Elevations

- Updated to reflect plan changes

A-05(C)- Section

- Updated to reflect plan changes

A-06(C)- Area Calculations

- Updated to reflect plan changes

A-07(C)- Landscape Area

- Updated to reflect plan changes

A-08(C)- Shadows

- Updated to reflect plan changes

We confirm that secondary dwelling continues to have a GFA of less than 60m².

We respond to the draft reasons for refusal as follows:

1. *Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of the Environmental Planning and Assessment Act 1979.*

Particulars:

- i) *Given the adverse visual impact upon adjoining properties and the public domain, the site is not considered to be suitable for the proposed development.*

Response: The building has been significantly reduced in height and footprint and pulled back from the northern boundary to minimise its visual impact as viewed from neighbouring properties and the foreshore area/ public domain. The secondary dwelling has been designed and sited in response to the constraints of the site and does not give rise to unacceptable or unmanageable environmental impacts.

2. *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the objectives of Clause Zone C4 Environmental Living of the Pittwater Local Environmental Plan 2014.*

Particulars:

- i) *The proposed development disrupts visual continuity and the aesthetic values of the area. It does not provide for low impact residential development in an area of special aesthetic value.*
- ii) *The proposed development if not appropriately integrated with the landform and landscape as it dominates and augments the existing landform.*

Response: The amended plans locate the building in an area of the site which responds appropriately to/maintains the visual continuity of development along this escarpment. The amended plans provide for low-impact residential development in an area of special aesthetic value with the proposed landscaping contributing to the landscape/aesthetic value of the area.

Excavation and overall building height have been minimised to ensure that the development appropriately integrates with the landform to proposed landscaping providing for an enhanced landscape outcome on this site capable of softening and screening the development as viewed from the adjoining public and private domains.

- 3. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause A4.9 Mona Vale Locality of the Pittwater 21 Development Control Plan.*

Particulars:

- i) *The proposed secondary dwelling is sited in an environmentally sensitive area and is not considered to be an appropriate location, as it is inconsistent with the prevailing low density character of the surrounding locality.*

Response: For the reasons previously outcome the design and siting of the development appropriately responds to the environmental sensitivities of the site and surrounding area with the amended plans providing for a development that is consistent with prevailing low-density character of the surrounding locality.

The amended proposal is consistent with the provisions of Clause A4.9 Mona Vale Locality of the Pittwater 21 Development Control Plan.

- 4. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C1.3 View Sharing of the Pittwater 21 Development Control Plan.*

Particulars:

- i) *The proposed development results in moderate to severe view loss impacts to adjoining properties and does not maintain a reasonable sharing of views.*
- ii) *A more skilful design would provide the same development potential and reduce the impact on views.*

Response: The amended plans which significantly reduce building height and the proposals northern projection into available view lines is the more skilful design sought by this contention. The proposal reduces view impact to the extent that a view sharing outcome is achieved from adjoining residential properties consistent with the provisions of Clause C1.3 View Sharing of the Pittwater 21 Development Control Plan.

- 5. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C1.5 Visual Privacy of the Pittwater 21 Development Control Plan.*

Particulars:

- i) *The proposed south-western deck is located in close proximity to the adjoining dwelling and generates unreasonable privacy impacts.*

Response: This decking element has been deleted with appropriate privacy maintained to all surrounding development. The amended proposal is consistent with the provisions of Clause C1.5 Visual Privacy of the Pittwater 21.

Development Control Plan.

- 6. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause D9.2 Scenic protection - General of the Pittwater 21 Development Control Plan.*

Particulars:

- i) *The proposed secondary dwelling is of significant visual impact and does not allow the natural Mona Vale Headland to be the predominant feature when viewed from the waterway and surrounding properties. Rather, it dominates the natural landscape with unsympathetic built form.*

Response: For the reasons previously outlined the amended proposal will not be perceived as inappropriate or jarring have regard to the form of development established along the escarpment and as viewed from the waterway and surrounding properties. The amended proposal has been integrated into the natural landscape with the additional landscaping providing for landscape betterment along this escarpment.

The amended development is consistent with the provisions of Clause D9.2
Scenic protection - General of the Pittwater 21 Development Control Plan.

We are of the opinion that the amended documentation, the subject of this submission, comprehensively responds to the draft reasons for refusal. Having given due consideration to the matters pursuant to section 4.15 of the Act it is considered that there are no matters which would prevent Council from granting consent to the application in this instance.

Please do not hesitate to contact me to discuss any aspect of this submission.

Yours Faithfully

Boston Blyth Fleming Town Planners

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

B Env Hlth (UWS)

Director