

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR ADDITIONS AND ALTERATIONS TO AN EXISTING DWELLING, INCLUDING  
NEW ATTACHED DOUBLE GARAGE AND DRIVEWAY**

**LOCATED AT**

**37 GRANDVIEW PARADE, MONA VALE**

**FOR**

**MR E & MRS S RYAN**



**Prepared  
October 2019**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Mr E & Mrs S Ryan by Ian Bennett Design Studio, Project No 1802 dated Sept 2019, to detail the proposed additions and alterations to an existing dwelling, which includes a new attached double garage and driveway at **37 Grandview Parade, Mona Vale.**

A previous Development Application (Ref. DA2019/0346) for alterations and additions to a dwelling house was withdrawn in July 2019.

Council's initial assessment of DA 2019/0346 raised concerns in relation to potential view loss for properties on the northern side of Grandview Parade, together with the extent of the building envelope to the southern portions of the upper floor.

The revised proposal has provided further supporting information to address view loss, with the rear portion of the upper floor amended to reduce the building envelope non-compliance.

The submitted details include the following:

- A.01 B SITE ANALYSIS PLAN
- A.02 B SITE PLAN
- A.03 B BASEMENT
- A.04 B GROUND FLOOR
- A.05 B FIRST FLOOR
- A.06 B NE + SW ELEVATIONS
- A.07 B SE + NW ELEVATIONS
- A.08 B SECTION X-X
- A.09 B 9AM SHADOW DIAGRAM
- A.10 B 12PM SHADOW DIAGRAM
- A.11 B 3PM SHADOW DIAGRAM
- A.13 B Photomontage
- External Finishes Schedule

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

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

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan 2014*

## **2.0 Property Description**

The subject allotment is described as 37 Grandview Parade, Mona Vale, being Lot 35 within Deposited Plan 6195 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is noted as Bushfire Prone Land and a Bushfire Risk Assessment has been prepared by Bushfire Planning Services, dated 15 March 2019 and accompanies this submission.

The site is identified as being within the Class 5 Acid Sulfate Soils Area. This matter will be discussed further within this submission.

The site is identified as Scenic Protection Land, and this will be addressed further within this statement.

## **3.0 Site Description**

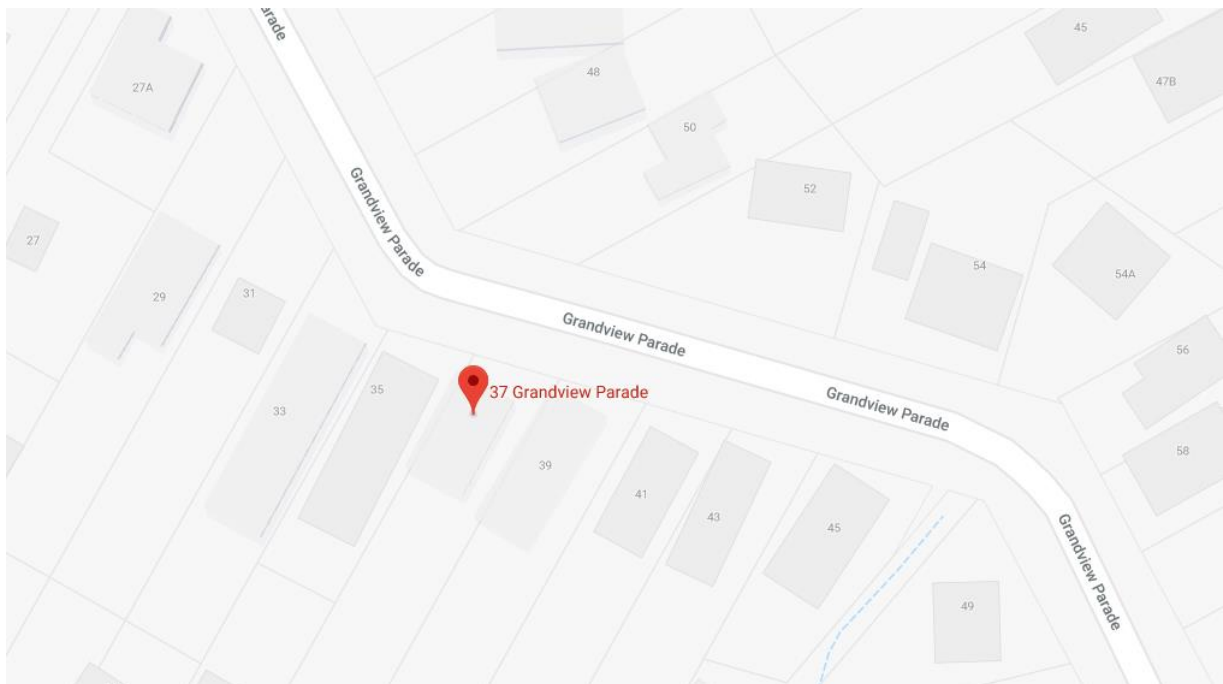
The site is located on the southern side of Grandview Parade and falls towards the rear, southern boundary.

Stormwater from the roof areas is to be directed to the existing on-site dispersal system in accordance with the current arrangements.

The site is generally rectangular in shape with an angled front boundary of 15.67m to Grandview Parade, north-western and south-eastern side boundaries of 70.415m and 74.06m respectively and a rear boundary measuring 15.24m. The total site area is 1100.98m<sup>2</sup>.

Vehicular access to the site is provided via a paved driveway from Grandview Parade, with the existing driveway crossing and layback to be retained.

The details of the lots which comprise the parcel are contained within the survey report prepared by DP Surveying, Drawing No. 3128, dated 19 June 2018 which accompanies the DA submission.



**Fig 1: Location of Subject Site**  
(Source: Google Maps)



**Fig 2: View of existing dwelling and detached double garage, looking south**





**Fig 3: View of subject site, looking south-east towards the neighbouring at No 39 Grandview Parade**



**Fig 4: View looking south-west towards the neighbouring at No 35 Grandview Parade**





**Fig 5: View looking north towards surrounding development on the northern side of Grandview Parade**

#### 4.0 The Surrounding Environment

The general vicinity of the site is characterised by irregular shaped allotments within a natural setting, with a mix of low density residential developments within landscaped settings, the design of which reflects the sloping terrain and ocean vistas and retains a dominance of natural features and vegetation.



**Fig 6: Aerial Photograph**  
(Source: Google Maps)



## 5.0 Proposed Development

As detailed within the accompanying plans prepared by Ian Bennett Design Studio, the revised proposal seeks to provide for the additions and alterations to the existing dwelling, together with a new attached double garage and driveway.

The additions and alterations to the dwelling will comprise:

### Basement

- Alterations and additions to existing basement level to provide for TV room, bedroom/office, storage area, powder and internal access stairs

### Ground Floor

- Alterations and additions to existing ground floor level to provide for new formal entry, laundry, powder room, open plan living, dining and kitchen with walk-in pantry, rear deck & courtyard
- Attached double garage

### First Floor

- Alterations and additions to existing ground floor level to provide for four bedrooms including master suite with walk-in robe and ensuite, bathroom

### External Works

- Proposed new driveway and site landscaping (existing swimming pool and tennis court to be retained)
- New green roof

The dwelling will be constructed of a mix of metal cladding & acrylic render, with a flat metal roof. With the removal of the existing curved roof form and its replacement with a flat roof, the roof level will be reduced by up to 870mm.

Stormwater from the new dwelling will be connected to the existing dispersal area in accordance with the existing arrangements.

The existing perimeter planting will be retained and can be supplemented which will assist in screening the built form of the new works.

The development indices for the development are summarised as:

Site Area	1100.98m <sup>2</sup> (by survey)
Required Landscaped Area:	60% or 396.34m <sup>2</sup>
Proposed Landscaped Area:	62% or 635.9m <sup>2</sup>

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

### **6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposal has been designed to respect the water, thermal and energy standards required by BASIX.

A BASIX Certificate has been provided to support the proposed works.

### **6.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Warringah Local Environmental Plan 2011.

The aims of the SEPP are detailed in Clause 3 and note:

*The aims of this Policy are:*

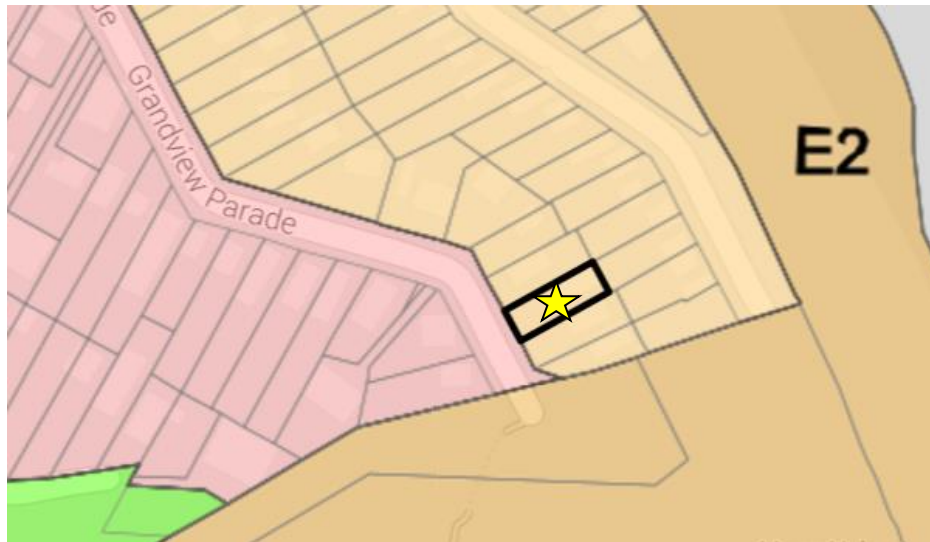
- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

## 6.4 Pittwater Local Environmental Plan 2014

### Clause 2.2 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the provisions of the PLEP 2014.



**Fig 7: Extract of Pittwater Local Environmental Plan 2014 zoning map**

The proposed additions and alteration to the existing dwelling are considered to be permissible with the consent of Council.

The development of and use of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- *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.*

It is considered that the proposed additions and alteration to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for the construction of additions and alteration to the existing dwelling which are of a contemporary design and will be consistent with the character of the Grandview Parade streetscape.
- The setbacks are compatible with the existing surrounding development.



- The proposal is not considered to have any significant impact on any long-distance views. In this regard, the design of the additions to the dwelling comply with Council's maximum building height and allow for generous side setbacks to retain view corridors past the dwelling for the adjacent and uphill properties.

#### **Clause 4.3 – Height of Buildings**

The maximum building height in this portion of Mona Vale is 8.5m. The proposal provides for a reduced overall height of to 8.4m and therefore complies with this control.

The previous curved roof form breached Council's 8.5m maximum building and the revised roof form will see an improvement in the available views for the surrounding properties and a reduced visual bulk.

#### **Clause 7.1 – Acid Sulfate Soils**

The site is identified as being within an area affected by Acid Sulfate Soils (Class 5). Whilst the proposal will involve some excavation of the site at the lower level, it is not considered significant and as such, it is not anticipated that acid sulfate soils will be disturbed.

#### **Clause 7.2 – Earthworks**

The proposal will see some excavation of the site to accommodate the basement storage, as the site has limited opportunity for off street storage of materials. The excavation will be below ground level and is not in itself leading to sense of increased bulk and scale. The works will be overseen by a qualified Structural Engineer, and therefore are considered acceptable in this regard.

#### **Clause 7.10 – Essential Services**

The proposal will see the existing essential services to the site being maintained.

There are no other clauses of the PLEP 2014 that are considered to be relevant to the proposed development.

## **6.5 Pittwater 21 Development Control Plan**

Council's Pittwater 21 DCP and Section D9 Mona Vale Locality Statement provide a range of outcomes and controls which form the primary criteria control for development within the subject locality.

### **6.5.1 Section A Introduction**

The desired outcomes for the Mona Vale Locality, in which this site falls, are as follows:

#### **A4.9 Mona Vale Locality**

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

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

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

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

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

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

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

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

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

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

It is considered that the proposal is consistent with the desired character of the locality by providing for proposed additions and alteration to the existing dwelling.

The proposed additions to the existing dwelling present a contemporary façade to Grandview Parade, which complements the existing streetscape and respects the scale and form of the nearby newer development in the locality.

The development will continue to be compatible with the low-density scale of the area, and with the low scale roof profile and recessive colours and finishes, will not be visually prominent within the Mona Vale locality.

The works will be finished in a range of textures and finishes which will complement the existing surrounding development and the use of earthy tones will harmonise with the landscaped setting of the locality.

### **6.5.2 Section B General Controls**

The General Controls applicable to the proposed additions and alteration to the existing dwelling are summarised as:

#### **B3.2 Bushfire Hazard**

The controls seek to achieve the outcomes:

*Protection of people. (S)*

*Protection of the natural environment. (En)*

*Protection of private and public infrastructure and assets. (S)*

The proposal is accompanied by a Bushfire Risk Assessment prepared by Bushfire Planning & Design, Reference 2457 dated 15 March 2019. The report concludes that the proposal complies with the requirements of Planning for Bushfire Protection 2006, subject to compliance with the recommendations contained within the report.



**B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The controls seek to achieve the outcomes:

*The long-term viability and enhancement of locally native flora and fauna and their habitats. (En)*

The proposal will not have any direct impact on any substantial tree cover and landscaped area, with managed re-planting of the site with locally occurring species contemplated.

**B5.7 Stormwater Management – On-site Stormwater Detention**

The controls seek to achieve the outcomes:

*Rates of stormwater discharged into receiving environment maintained or reduced. (Ec, S)*

The roofwater from the new roof areas will be directed to the existing on-site stormwater dispersal system, in accordance with the existing arrangements.

**B5.8 Stormwater Management – Water Quality – Low Density Residential**

The controls seek to achieve the outcomes:

*No increase in pollutants discharged with stormwater into the environment. (En)*  
*Development is compatible with Water Sensitive Urban Design principles. (En)*

Roofwater from the new roof areas will be directed to the existing on-site dispersal area and as the stormwater is direct run off from the roof, there will not be any significant issue in terms of water quality.

**B6.1 Access Driveways and Works on the Public Road Reserve – Low Density Residential**

This control seeks to achieve the outcomes:

*Safe and convenient access. (S)*  
*Adverse visual impact of driveways is reduced. (En)*  
*Pedestrian safety. (S)*  
*An effective road drainage system. (En, S)*  
*Maximise the retention of trees and native vegetation in the road reserve. (En, S)*

The proposal will provide for a new double garage. The existing layback will be retained, with a new driveway to be provided.

The proposed driveway will be designed to comply with Council's access grades and levels and will generally utilise the existing crossing location, with no change to the on-street parking arrangements in the area.

### **B6.3 Internal Driveways – Low Density Residential**

This control seeks to achieve the outcomes:

*Safe and convenient access. (S)*  
*Reduce visual impact of driveways. (S)*  
*Pedestrian safety. (S)*  
*An effective road drainage system. (En, S)*  
*Maximise the retention of trees and native vegetation.*  
*Reduce contaminate run-off from driveways.*

The proposal seeks to provide a new driveway to provide access to the proposed double garage.

The driveway will provide appropriate access to the garage and will allow for suitable sight distances for vehicles to safely enter and exit the site.

### **B6.5 Off-Street Vehicle Parking Requirements – Low Density Residential**

This control seeks to achieve the outcome:

*Safe and convenient parking. (S)*

The controls require a minimum of 2 parking spaces for each dwelling. The proposal will provide for a new double garage in accordance with this provision.

### **B8.1 Construction & demolition – Excavation and Landfill**

The controls seek to achieve the outcomes:

*Site disturbance is minimised. (En)*  
*Excavation, landfill and construction not to have an adverse impact. (En)*  
*Excavation and landfill operations not to cause damage on the development or adjoining property. (S)*

The proposal will require excavation to accommodate the proposed basement storage. The proposed excavation will be designed and supervised by an appropriately qualified Structural Engineer.

Appropriate soil and sedimentation measures will be implemented during the construction phase.

### **B8.2 Construction and Demolition – Erosion and Sediment Management**

The controls seek to achieve the outcomes:

*Waterways, coastal areas, watercourses, drainage systems and the public domain are protected from the transportation of sedimentation from development sites. (En)*  
*Reduction of waste throughout all phases of development. (En)*  
*Public safety is ensured. (S)*

*Protection of the public domain. (S, En)*

This clause requires that erosion and sediment controls are installed on site to prevent the migration of sediment to adjoining properties, roads or waterways.

Appropriate erosion and sediment barriers will be installed prior to the commencement of any works on site.

**B8.3 Construction and Demolition – Waste Minimisation**

The controls seek to achieve the outcomes:

*Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility. (En)*

The proposal will see the substantial demolition of the existing dwelling and construction of a new dwelling.

All demolition material will be removed and recycled off site where possible or taken to an approved waste disposal facility.

**6.5.3 Section C Design Criteria for Residential Development**

The Design Criteria applicable to the proposed new dwelling are summarised as:

**C1.1 Landscaping**

The controls seek to achieve the outcomes:

*A built form softened and complemented by landscaping. (En)*

*Landscaping reflects the scale and form of development. (En)*

*Retention of canopy trees by encouraging the use of pier and beam footings. (En)*

*Development results in retention of existing native vegetation. (En)*

*Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)*

*Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species (En)*

*Landscaping enhances habitat and amenity value. (En, S)*

*Landscaping results in reduced risk of landslip. (En, Ec)*

*Landscaping results in low watering requirement. (En)*

The required controls to achieve the outcomes are to ensure that the development will provide for the reasonable retention and protection of the existing significant trees and to provide for locally occurring species within any proposed replanting of the site.

The works will not require the removal of any significant trees and will see the retention of the existing perimeter screen planting. The majority of the rear yard will be retained for open space and recreation. The site can be re-planted with locally occurring species in accordance with Council's controls.



### **C1.2 Safety and Security**

The controls seek to achieve the outcomes:

*On-going safety and security of the Pittwater community. (S)*  
*Opportunities for vandalism are minimised. (S, Ec)*  
*Inform applicants of Council's requirements for crime and safety management for new development.(S)*  
*Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*  
*Identify crime and safety priority areas in Pittwater LGA (S, Ec)*  
*Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*  
*Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety. (S)*

The dwellings' entry and main floor level will allow for casual surveillance of persons entering the site and the street area.

### **C1.3 View Sharing**

The controls seek to achieve the outcomes:

*A reasonable sharing of views from public places and living areas. (S)*  
*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*  
*Canopy trees take priority over views (En, S)*

The required controls to achieve the outcomes are to ensure that building sight lines and building positioning and height maintain reasonable view sharing for neighbouring properties.

The site is a visually prominent area, with expansive views available the properties in the area. In particular, the properties on the northern side of Grandview Parade enjoy views towards the south and east towards Mona Vale Beach.

As noted in View Montage prepared by Ian Bennett Architects and included with the DA submission (See Figure 8 over), views over and past the site will be retained.

It is also noted that the proposed first floor addition, by virtue of its contemporary flat roof form is up to 870mm below the existing roof level, which will allow for improved views and outlook directly over the dwelling for the properties on the northern side of Grandview Parade.

A View Loss Assessment to address the Tenacity Principles is also provided over.



**Figure 8: View Loss Montage prepared by Ian Bennett Architects**

The following assessment of the potential view impacts under the Tenacity Consulting v Warringah Council (2004) NSWLEC 1046 planning principle for view sharing has been prepared to support the development:

*Step one is to assess the reasonableness of the view loss concern in order to determine the views which are to be affected*

The occupants of 48 & 50 Grandview parade, Mona Vale currently enjoy a mix of filtered and unfiltered, partial, land and water views, looking south east towards Mona Vale Beach. The views are partly clear and partly obscured by existing vegetation and development. The water and sand views of Mona Vale Beach and Basin are considered to be the most significant elements of the view.

*Step two is to determine the location from which the views are obtained*

The views obtained by the occupants of 48 & 50 Grandview Parade are from assumed to be from both living rooms and bedrooms. These properties are sited on the higher side of Grandview Parade.

*Step three is to assess the extent of the impact to the entire property not just the view that is affected*

As noted in the View Montage prepared by Ian Bennett Architects, given that a reasonable sharing of the views over and past the site will be retained, it is considered that proposed development will not result in an unreasonable loss of views to 48 & 50 Grandview Parade when viewed from the main living level floors of the dwellings on the northern side of Grandview Parade.

The proposed first floor addition will see a reduction in the overall building height by 870mm, with the building comfortably complying with Council's maximum control and the flat roof form to maximise view sharing opportunities.

The new first floor roof level will stand up to 1.27m below the ridge level of the adjoining dwelling to the west at No 35 Grandview Parade.

The surrounding properties on the northern side of Grandview Parade enjoy views to the south and south-east as well as to the west and on balance, it is considered that the proposal maintains an equitable sharing of views.

*The final step is to determine the reasonableness of the proposal based on compliance with the relevant planning controls*

The proposal seeks to mostly respect Council's building controls by presenting a built form that is similar to that of existing development within Grandview Parade, the proposal is a considered and reasonable response to the site's and its context.

The photo montage, as demonstrated, satisfies the principals of view sharing. Whilst there is an area of beach (sand & beach vegetation) will be obscured by the development, the properties opposite on the northern side of Grandview Parade gain further filtered ocean views through the reduction of the roofline.

It is important to note that the roofline does encroach into the shore line wave breaking area view line. The revised design has further reduced the extent of the encroachments to the building envelope control.

The new first floor level will comply with Council's maximum 8.5m height control, with the new roof to be up to 870mm below the current roof.

The proposed changes to the first floor level mostly observe Council's building envelope control, with a minor non-compliance to the south end due to the upper floor arising as a result of the sloping topography.

Critically, the northern portion of the building, which has the potential to impact on the outlook and views for the neighbours, complies with the building envelope control.

By resolving a flat roof design which minimises the overall height, the design prepared by Ian Bennett Architects is considered to represent a skillful approach to provide the additional floor area in a form which minimises the potential impacts to the neighbouring properties.

Accordingly, it is considered that equitable access to the available views and outlook for the neighbouring dwellings is largely maintained.



#### **C1.4 Solar Access**

The controls seek to achieve the outcomes:

*Residential development is sited and designed to maximise solar access during mid-winter. (En)*

*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development. (En)*

*Reduce usage and/dependence for artificial lighting. (En)*

The required controls to achieve the outcomes are to ensure that private open spaces of the subject and adjoining dwellings maintain a minimum of 3 hours of solar access in mid-winter.

The shadow diagrams prepared to support the development indicate that the proposal will not result in any substantial change to the existing solar access received by neighbouring properties. The subject and neighbouring dwellings will continue to enjoy excellent solar access to their north east facing living areas and principal private open space areas during the day.

#### **C1.5 Visual Privacy**

The controls seek to achieve the outcomes:

*Habitable rooms and outdoor living areas of dwellings shall achieve and maintain visual privacy through good design. (S)*

*A sense of territory and safety is provided for residents. (S)*

The required controls to achieve the outcomes are to ensure that the private open space, recreation areas and living rooms within 9m of a development are suitable protected to limit the effects of direct overlooking.

The proposed works will not see the introduction of any new large areas of elevated decks etc. that may reduce the amenity of the neighbours.

The window openings in the side elevations have been minimised to mitigate overlooking, whilst maintaining appropriate solar access and ventilation.

Further privacy screening devices can be provided along the proposed rear deck to minimise direct overlooking to the adjacent neighbour if required.

#### **C1.6 Acoustic Privacy**

The controls seek to achieve the outcomes:

*Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)*

*Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)*

The required controls to achieve the outcomes are to ensure that noise sensitive living areas and bedrooms are located away from major noise sources.

Given the residential nature of the works, it is suggested that there will not be any significant change to the existing site conditions.

No new mechanical equipment is provided.

#### **C1.7 Private Open Space**

The controls seek to achieve the outcomes:

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy (En, S).*

The required controls to achieve the outcomes are to ensure that dwellings are provided suitable private open space with an area and at a grade which will facilitate outdoor private recreation.

The proposal maintains significant areas of private open space in the rear yard, with excellent access to the northern sun.

#### **C 1.12 Waste and Recycling Facilities**

The controls seek to achieve the outcomes:

*Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)*

*Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)*

The required controls to achieve the outcomes are to ensure that adequate area remains for the storage of waste and recyclable materials.

A suitable area is available in the proposed garage for the on-site storage of waste and recyclables, with the waste removed by Council contractors via the household garbage service.

#### **C1.17 Swimming Pool Safety**

The controls seek to achieve the outcomes:

*The promotion of personal safety. (S)*

*Compliance with Swimming Pools Act 1992 and Regulations (En, S)*

The existing pool and perimeter safety fencing will be maintained.

**C1.23 Eaves**

The controls seek to achieve the outcomes:

*Housing that reflects the coastal heritage and character of Pittwater. (S)*

*Optimise roof forms. (S)*

*Appropriate solar access and shading is achieved. (En)*

The proposed contemporary form comprises a flat roof form, with no eaves. The exclusion of eaves is considered appropriate for the proposed contemporary development.

The design of the proposal complements other newer development in the immediate area.

**C1.25 Plant, Equipment Boxes and Lift Over-Run**

The controls seek to achieve the outcomes:

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

*The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*

*To achieve reduction in visual clutter. (En, S)*

*The appropriate location and design of noise generating equipment.*

No new plant equipment is proposed.

#### 6.5.4 Section D Locality Specific Development Controls

The **D9 Mona Vale Locality Statement** contains a number of outcomes for development. The proposal has been assessed in regard to the Locality Statement and is summarised in the following table.

In support of the proposal, it is considered that this proposal is well designed, comprehensive and consistent with the community's vision for development in Pittwater in that it is:

- Proposing a form of development which is compatible with the existing residential character of the area by maintaining an appropriate development scale which is compatible with the vicinity.
- The proposal maintains existing views and amenity to adjoining properties.
- The development will not place additional demands on local infrastructure or on the sewage disposal system for the site.

A summary of the DCP controls for the **D9 Mona Vale Locality** is provided below:

##### **D9.1 Character as Viewed from a Public Place**

The control seeks to achieve the outcomes:

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

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

*To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment.*

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)*

*High quality buildings designed and built for the natural context and any natural hazards. (En, S)*

*Buildings do not dominate the streetscape and are at human scale. Within residential areas, buildings give the appearance of being two-storey maximum. (S)*

*To preserve and enhance district and local views which reinforce and protect Pittwater's natural context.*

*To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures being a secondary component.*

*To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)*

The required controls to achieve the outcomes are to ensure that the building maintains compatibility with the locality through appropriate design relief including roof forms textures, materials, the arrangement of windows, modulation of wall and roof planes, spatial separation, landscaping etc.

The elevations provided with the DA submission demonstrate that the articulated form of the proposed additions to the dwelling and the proposed varied overall height will be complementary in terms of bulk and scale to the existing surrounding development.

### **D9.3 Building Colours, Materials**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality.*  
*The development enhances the visual quality and identity of the streetscape. (S)*  
*To provide attractive building facades which establish identity and contribute to the streetscape.*  
*To ensure building colours and materials compliments and enhances the visual character and its location with the natural landscapes of Pittwater.*  
*The colours and materials of the development harmonise with the natural environment. (En, S)*  
*The visual prominence of the development is minimised. (S)*  
*Damage to existing native vegetation and habitat is minimised. (En)*

The required controls to achieve the outcomes are to ensure that the external colours and materials shall be dark and earthy tones as indicated within the DCP.

It is considered that the development is appropriate as it is intended to utilise recessive tones and finishes to match the surrounding development.

### **D9.6 Front Building Line**

The controls seek to achieve the outcomes:

*Achieve the desired future character of the Locality. (S)*  
*Equitable preservation of views and vistas to and/or from public/private places. (S)*  
*The amenity of residential development adjoining a main road is maintained. (S)*  
*Vegetation is retained and enhanced to visually reduce the built form. (En)*  
*Vehicle manoeuvring in a forward direction is facilitated. (S)*  
*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 control to achieve this outcome is to provide a setback of 6.5m, or the established building line to the street frontage.

The proposed dwelling provides a minimum front setback of 8.5m and therefore complies with this control.

### **D9.7 Side and rear building line**

The controls seek to achieve the outcomes:

*To achieve the desired future character of the Locality. (S)*  
*The bulk and scale of the built form is minimised. (En, S)*  
*Equitable preservation of views and vistas to and/or from public/private places. (S)*



*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

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

*Substantial landscaping, a mature tree canopy and an attractive streetscape. (En, S)*

*Flexibility in the siting of buildings and access. (En, S)*

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

*To ensure a landscaped buffer between commercial and residential zones is established. (En, S)*

The relevant controls to achieve this outcome are to maintain a minimum side boundary setback of 2.5m for at least one side and min 1.0m setback for the other side, and a minimum of 6.5m from the rear boundary.

The proposed new dwelling will stand from 0.542m – 3.522m to the north-western side boundary, and 1.028m – 5.833m to the south-eastern boundary.

The proposed side boundary setbacks present a minor variation to the control, and compliance with the setback control is constrained by the siting of the existing dwelling. The proposal is not expected to result in any amenity impacts for occupants of the subject site and neighbouring properties, and is therefore considered worthy of support on merit.

#### **D9.9 Building Envelope**

The controls seek to achieve the outcomes:

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

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

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

*The bulk and scale of the built form is minimised. (En, S)*

*Equitable preservation of views and vistas to and/or from public/private places. (S)*

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

*Vegetation is retained and enhanced to visually reduce the built form. (En)*

The required controls to achieve the outcomes are to maintain the development within a height envelope which provides for a height of 3.5m with an angle projected at 45°.

The proposal seeks a variation to the building envelope control, with the noncompliance occurring mainly to the southern extremity of the south-east elevation, as a result of the slope of the site away from the street.

The proposed additions to the dwelling presents a contemporary form which will complement the existing surrounding development and the desired future character of the locality.

The shadow diagrams prepared to support the development indicate that the subject and neighbouring dwellings will continue to enjoy suitable solar access to their north facing living areas and principal private open space areas during the day.

As the proposal meets the objectives of Clause D9.9, the variation to the building envelope control is considered acceptable on merit.

**D9.11     Landscaped Area – Environmentally Sensitive Land**

The controls seek to achieve the outcomes:

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

The required controls to achieve the outcomes are to limit residential development in order to maintain a minimum landscaped area of 60% of the site area.

The proposal will retain up to 62% or 635.9m<sup>2</sup> of the site as landscaped area, and therefore readily complies with this control.

## **7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 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**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Pittwater 21 Development Control Plan 2014.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 74BA provides that the 'principal purpose' of DCPs is to 'provide guidance' on: -

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 79C(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the building envelope control is a reasonable alternative solution to compliance where the site slope presents a local constraint to a fully compliant development.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site and which will make a positive contribution to the area.

**7.4 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.**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for proposed additions and alteration to the existing dwelling, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's PLEP 2014 & the Pittwater 21 DCP and the Mona Vale Locality Statement.

**7.7 The suitability of the site for the development**

The subject land is currently R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The design manages the challenges presented by the slope of the subject site and otherwise there is no significant constraint to the construction of the proposed development.

**7.8 Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**7.9 The public interest**

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

## **8.0 Conclusion**

The principal objective of this development is to provide for proposed additions and alteration to the existing dwelling, including an attached double garage and driveway.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls and reinforce the residential character of the area.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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