

Proposed New Terrace, New Balustrade, New Staircase and Landscape Works on the Roof of an Existing Boat Shed and Associated Works

Lot 1 DP39183, Lot LIC 621137, 18 Rednal Street, Mona Vale

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1.0 INTRODUCTION AND BACKGROUND

This Statement of Environmental Effects (SEE) has been prepared in support of a Development Application (DA) seeking approval of Northern Beaches Council (Council) for *“Proposed New Terrace, New Balustrade, New Staircase and Landscape Works on the Roof of an Existing Boat Shed and Associated Works”* on a property known as 18 Rednal Street, Mona Vale (subject site).

On 14 December 2022, Council approved a recent Development Consent on the subject site, being Development Consent No. 2022/0953, for *“Demolition Works and Construction of a Dwelling House and Swimming Pool”*. As part of this recent Development Consent, Council imposed Condition 4 stating the following:

“No approval is granted under this Development Consent the existence or use of the roof terrace atop of the existing boatshed, annotated as 'Existing Terrace' on drawing DA03 K.

For clarity, this consent does not approve:

- *The connection of the existing terrace to the new balcony of the house.*
- *The use of the rooftop as trafficable space.*
- *Any physical works that have been undertaken without consent.*

Reason: To ensure compliance with the relevant Local Environmental Plan.”

I have been advised by Richard Cole, Architect of the current DA, as to the history of the existing Terrace on the roof of the boatshed as follows: -

- A boatshed was approved in 1975 in which a Terrace apparently did not form part of the Development Consent.
- Despite no apparent approval, the boatshed roof has been used as a Terrace for the last 50 years.

- The current owners purchased the subject site in 2008 and have used the Terrace continually without a concern being raised, until a recent complaint.
- In 2022, the adjoining property at 20 Rednal Street was sold and transferred to the current adjoining owners.
- Following a complaint to Council regarding the use of the boatshed roof as a Terrace, Council undertook an inspection of the subject site and issued a Notice of Intention to give a Development Control Order on 4 March 2024 against the “*unauthorised use*” of the Terrace.
- Following representations by the owners/residents of the subject site, Council determined on 26 March 2024 not to issue the Development Control Order until such time as appropriate approvals are obtained for use of the Terrace.

Consequently, this current DA seeks to obtain approval, in part, for the use of the boatshed rooftop as a Terrace and Associated Works listed in Section 3.0 of this SEE.

I have considered the current DA against a range of Planning Controls including, but not limited to, the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Pittwater Local Environmental Plan (LEP 2014), and
- Pittwater 21 Development Control Plan (DCP 2021).

For the reasons outlined in this SEE, I consider that the current DA is eminently reasonable and is worthy of approval of Council.

By way of introduction, I am a Consultant Planner with 15 years’ experience in 3 Local Government Councils, including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW and a Bachelor of Laws Degree (Hons) from the University of Technology, including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness in the Land

and Environment Court (Court) for 9 Local Government Councils and various Applicants and also appeared in numerous Appeals as a Court Appointed Expert.

2.0 SUBJECT SITE AND ADJOINING LOCALITY



Subject site highlighted in red

I note the following features of the subject site and locality: -

- The subject site has an area of 866.4m² (Survey Plan).
- The subject site slopes down from the west (Rednal Street frontage) to the east (the frontage to the foreshores), with a drop of approximately 8m.
- The subject site is of an irregular trapezoidal shape, as a result of the rear boundary following the Mean High Water Mark by Title.
- The boundary lengths of the subject site are as follows:
 - i. The eastern boundary, adjoining the foreshores at the Mean High Water Mark, has a length of approximately 16m (Six Maps).

- ii. The western boundary fronting Rednal Street is 15.315m in length. The northern boundary, which adjoins 16 and 16A Rednal Street, has a length of 53.23m,
- iii. The southern common boundary with 20 Rednal Street is 60.465m in length.
- The adjoining developments comprise 1-3 storey residential developments.
- There is a 1.525m wide drainage easement located along the northern boundary of the subject site.
- I note the below Site Description provided by the Assessment Officer of Council in response to the recent Development Consent No. 2022/0953:

“The subject site is legally described as Lot 1 in Deposited Plan 39183 and is known as 18 Rednal Street, Mona Vale.

The site falls within the C4 Environmental Living zone pursuant to the Pittwater Local Environmental Plan 2014. The site is trapezoidal in shape with a southwesterly frontage to Rednal Street of 15.3m, depths of 53m and 60m (to the mean high water mark) and an overall surveyed area of 866.4m².

The site presently accommodates a part two / part three storey detached dwelling house with a boatshed and swimming pool.

The site benefits from a Lot License 621137 for the land to the northeast, between the boundary and the waters edge. Beyond that the site benefits from a seawall, slipway and jetty.

Topographically the site falls by approximately 8m from the street to the waters edge.

The site has landscaping throughout including several mature trees in the front garden.

Surrounding properties consist of other waterfront dwellings that are generally multi-storey with swimming pools and boating facilities”.

3.0 THE PROPOSED DEVELOPMENT

As previously advised, the current DA seeks approval for “*Proposed New Terrace, New Balustrade, New Staircase and Landscape Works on the Roof of an Existing Boat Shed and Associated Works*”.

Elements of the proposed development include the following:-

Boatshed Terrace:

- Proposed steel and concrete stair with glazed balustrade. Demolition of existing stairs.
- Proposed paving over existing slab of proposed Terrace.
- Proposed glazed balustrade to proposed Terrace.
- Proposed concrete stairs to approved balcony.
- Proposed obscure glazed privacy screen to replace existing privacy screen.
- Proposed planter bed.

Boatshed:

- Existing timber batten walls to be demolished and replaced with timber sliding doors.
- Line of existing non-compliant balustrade to be demolished.
- Existing walls to be demolished (dotted on Architectural Plans).
- Line of existing arches to be squared off.
- Proposed masonry wall.
- Existing slab to be demolished and replaced with timber glazed bifold doors and glazed balustrade.
- Proposed kayak storage and winch area under existing boatshed floor.

Reference must be made to the full set of the Architectural Plans prepared by Richard Cole Architecture, to understand all elements of the proposed development.

I note the following features of the proposed Terrace under the current DA:-

- The proposed Terrace and Associated Works form only a very minor part of the approved New Dwelling and Swimming Pool.
- The proposed Terrace will not increase the Site Coverage of the approved New Dwelling and Swimming Pool, as it is to be located on the roof of the existing boatshed.
- The proposed Terrace is approximately 20sqm in area. The only visible structure associated with the proposed Terrace will be an open style balustrade. There is also proposed paving over the proposed slab of the proposed Terrace which will not be readily visible.

I consider that the elements of the current DA are very modest in scale and nature and are also compatible with the area.

4.0 PLANNING ASSESSMENT

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

Division 3 Coastal Environmental Area

2.10 Development on land within the coastal environment area

(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-

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (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,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (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,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that-

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- (b) If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment:

Council previously made the following assessment regarding “2.10 Development on land within the coastal environment area” under the recent Development Consent No. DA2022/0953:

- 1. “The site is mapped as being within the coastal environment area pursuant to the SEPP. The redevelopment of the site for the provision of a new dwelling house is not considered likely to cause an adverse impact on the criteria listed in Division 2 (2.10) as above. The building maintains a setback from the waters edge consistent with the existing, and neighbouring developments. The proposal has been reviewed by Council's Riparian Officer, Biodiversity Officer and Development Engineers who raise no objections to the proposal or its anticipated impacts.*
- 2. The consent authority can be satisfied that the development is designed, sited and will be managed to avoid adverse impacts as referred to in subsection (1) as above.”*

I again note the current Development Consent is for the demolition of the Existing Dwelling and construction of a New Dwelling and Swimming Pool.

The current proposed Terrace and Associated Works represent a significantly reduced development compared to the New Dwelling and Swimming Pool approved under Development Consent No. DA2022/0953. Accordingly, I consider that the positive comments of Council officers in response to the approved New Dwelling and Swimming Pool under DA2022/0953 can be appropriately applied to the proposed development under the current DA.

Division 4 Coastal Use Area

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority-

(a) has considered whether the proposed development is likely to cause an adverse impact on the following-

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(a) is satisfied that-

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (b) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment:

Council Officers made the following assessment regarding “2.11 Development on land within the coastal use area” under Development Consent No. DA2022/0953:

“The site is mapped as being within the coastal use area pursuant to the SEPP. The building is sited away from the waters edge in alignment with other developments along Rednal Street. To that extent, the consent authority may be satisfied that the proposal is not likely to have an adverse impact on the criteria in 2.11 (1)(a) (i) through to (v). The consent authority can be satisfied that the development is designed, sited and will be managed to avoid adverse impacts as referred to in paragraph (a) as above. The assessment of this application has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.”

I reiterate the fact that the current proposed Terrace and Associated Works are a significantly reduced development compared to the New Dwelling and Swimming Pool approved under Development Consent No. DA2022/0953. Accordingly, the positive comments of Council officers in response to the approved New Dwelling and Swimming Pool under Development Consent No. DA2022/0953 can be appropriately applied to the proposed development under this SEE.

Division 5 General

2.12 Development in coastal zone generally – development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment:

Council Officers made the following assessment regarding “2.12 Development in coastal zone generally – development not to increase risk of coastal hazards” under DA2022/0953:

“The consent authority can be satisfied that the development is not likely to cause an increased risk of coastal hazards on that land or other land.”

The proposed Terrace and Associated Works are a significantly reduced development compared to the New Dwelling and Swimming Pool approved under Development Consent No. DA2022/0953. Accordingly, the positive comments of Council officers in response to the approved New Dwelling and Swimming Pool under Development Consent No. DA2022/0953 can be appropriately applied to the proposed development under the current DA.

2.13 Development in coastal zone generally – coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the

relevant provisions of any certified coastal management program that applies to the land.

Comment:

Council made the following assessment regarding “2.13 Development in coastal zone generally – coastal management programs to be considered” under DA2022/0953:

“There are no certified coastal management plans which apply to the land. As such, it is considered that the application complies with the requirements of Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.”

The proposed Terrace and Associated Works are a significantly reduced development compared to the New Dwelling and Swimming Pool approved under DA2022/0953. Accordingly, the positive comments of Council officers in response to the approved New Dwelling and Swimming Pool under Development Consent No. DA2022/0953 can be appropriately applied to the proposed development under the current DA.

4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Object of this Chapter

(3) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.

(4) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) by requiring that a remediation work meet certain standards and notification requirements.*

Comment:

Council made the following assessment regarding “*Chapter 4 Remediation of Land*” under the current Development Consent No. DA2022/0953:

“Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is headlands, Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and b) is satisfied that: i) ii) iii) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or if that impact cannot be minimised—the development will be managed to mitigate that impact, and c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.”

Again, the proposed Terrace and Associated Works are a significantly reduced development compared to the New Dwelling and Swimming Pool approved under Development Consent No. DA2022/0953. Accordingly, the positive comments of Council officers in response to the proposed New Dwelling and Swimming Pool under DA2022/0953 can be appropriately applied to the current DA.

4.3 Pittwater Local Environmental Plan 2014 (LEP 2014)

- (1) This Plan aims to make local environmental planning provisions for land in Pittwater in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) The particular aims of this Plan are as follows—*
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance art,*
 - (a) to promote development in Pittwater that is economically, environmentally and socially sustainable,*
 - (b) to ensure development is consistent with the desired character of Pittwater's localities,*
 - (c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
 - (d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
 - (e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
 - (f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*
 - (g) to protect and enhance Pittwater's natural environment and recreation areas,*
 - (h) to conserve Pittwater's European and Aboriginal heritage,*
 - (i) to minimise risks to the community in areas subject to environmental hazards including climate change,*
 - (j) to protect and promote the health and well-being of current and future residents of Pittwater.*

Comment:

The approval for construction of a New Dwelling and Swimming Pool under Development Consent No. DA2022/0953 was noted by Council officers as being compliant with the Aims of LEP 2014. The current DA, incorporating a significantly reduced scope of works and a range of Positive Outcomes, is considered to achieve a greater level of compliance with the Aims of LEP 2014 for the reasons outlined in this SEE.

I particularly note my following comments: -

- The proposed Terrace and Associated works under the current DA represent a very minor part of the approved New Dwelling and Swimming Pool.
- The proposed Terrace and Associated Works will improve the internal amenity for future occupants, without unreasonably impacting on adjoining properties and the public domain.
- The proposed Terrace and Associated Works will increase passive surveillance of the foreshores and the waterways, which will assist in public safety.
- The proposed Terrace and Associated Works will be built of materials and colours consistent with the approved development under Development Consent No. DA2022/0953.

2.3 Zone objectives and Land Use Table

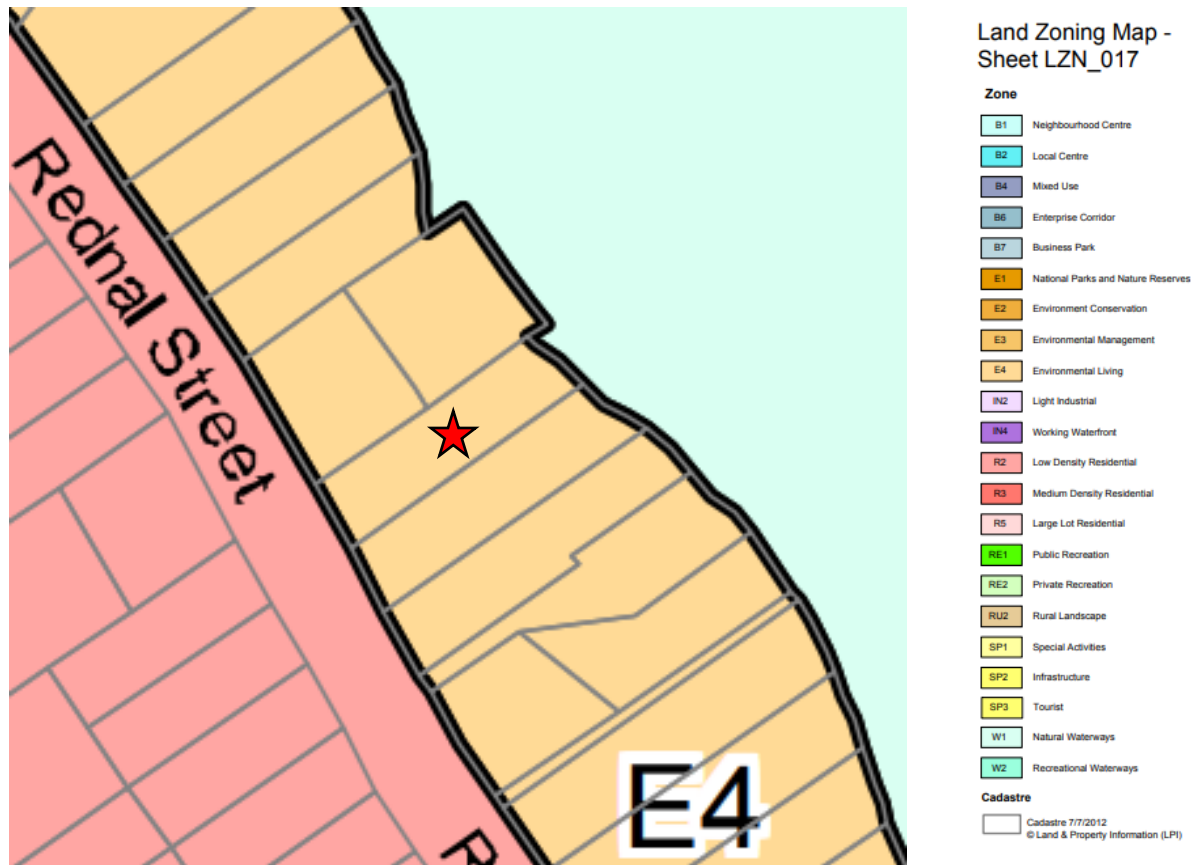


Figure 1 – Land Zoning Map, Sheet LZN_017 (LEP 2014)

Zone C4 Environmental Living

1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment:

The subject site is zoned C4 Environmental Living.

The proposed development is permitted with consent under LEP 2014.

In relation to the zone objectives, I particularly note the following: -

- In response to the first objective, Council officers made the following assessment under Development Consent No. DA2022/09; *“The development has not been found to be causal of any environmental impacts to the land or adjacent waterway that could jeopardise the environmental qualities of those lands. The development is found to be of an appropriate impact to neighbouring properties”*. The above positive comments of Council officers in response to the New Dwelling and Swimming Pool approved under Development Consent No. DA2022/0953 can be appropriately applied to the proposed development under the current DA, given the fact that the proposed development forms only a very minor part of the above approved development.
- The proposed development does not result in any adverse impacts on the zone values for the reasons raised in this SEE.
- In response to the third objective, the proposed Terrace and Associated Works constitute development of a low intensity. Furthermore, the proposed Terrace will not increase the approved Site Coverage as the proposed Terrace is to be located on the roof of the existing boatshed.

- The proposed development does not impact on riparian and foreshore vegetation and wildlife corridors. I particularly note that the proposed Terrace sits on top of the existing boatshed roof and the proposed development results in additional landscaped area compared to the existing approved development.

Clause 4.1: Minimum Subdivision Lot Size

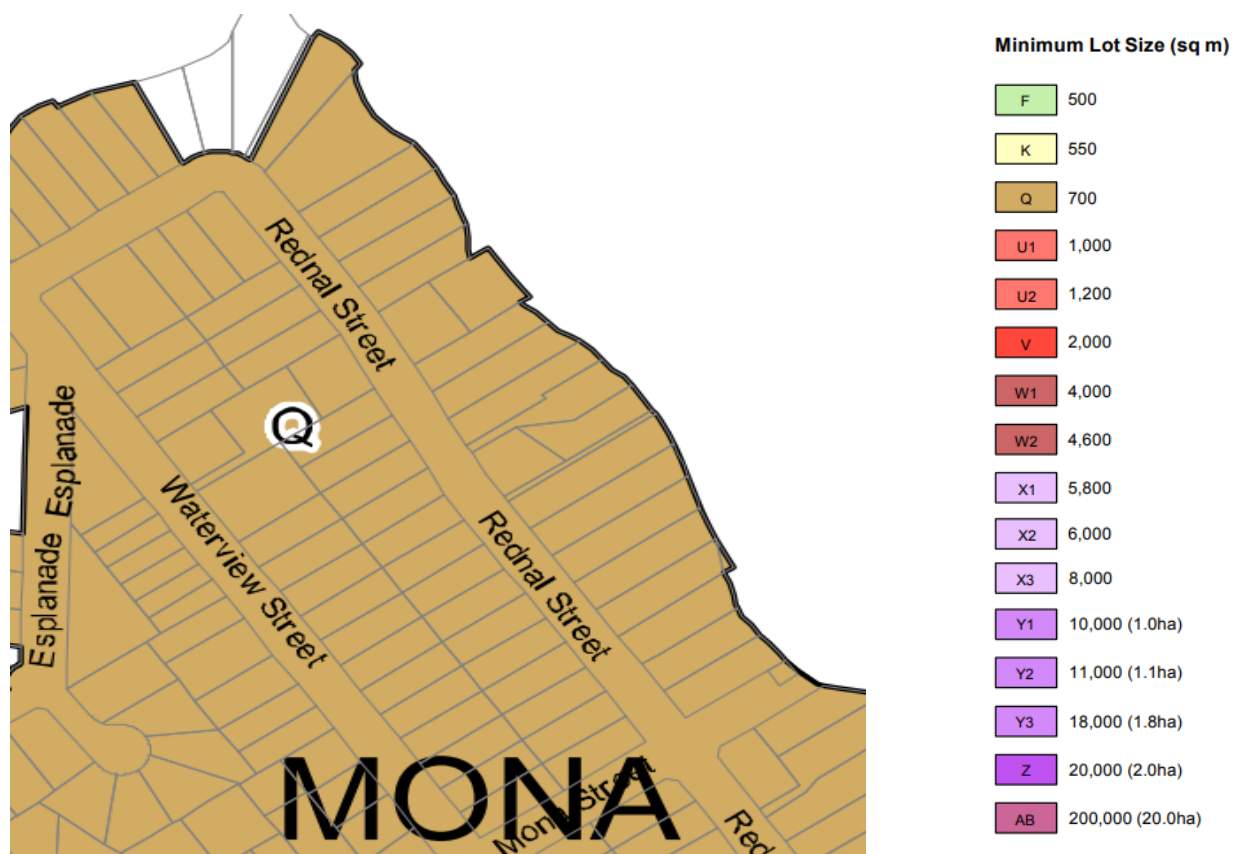


Figure 2 – Lot Size Map, Sheet LSZ_017 (LEP 2014)

Objectives

- (1) *The objectives of this clause are as follows:*

- (a) *to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,*
- (b) *to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,*
- (c) *to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,*
- (d) *to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,*
- (e) *to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,*
- (f) *to maintain the existing function and character of rural areas and minimise fragmentation of rural land,*
- (g) *to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.*

Comment:

The current DA does not involve proposed Subdivision.

Accordingly, Clause 4.1 entitled “*Minimum Subdivision Lot Size*” is not applicable to the current DA.

Clause 4.3: Height of Buildings

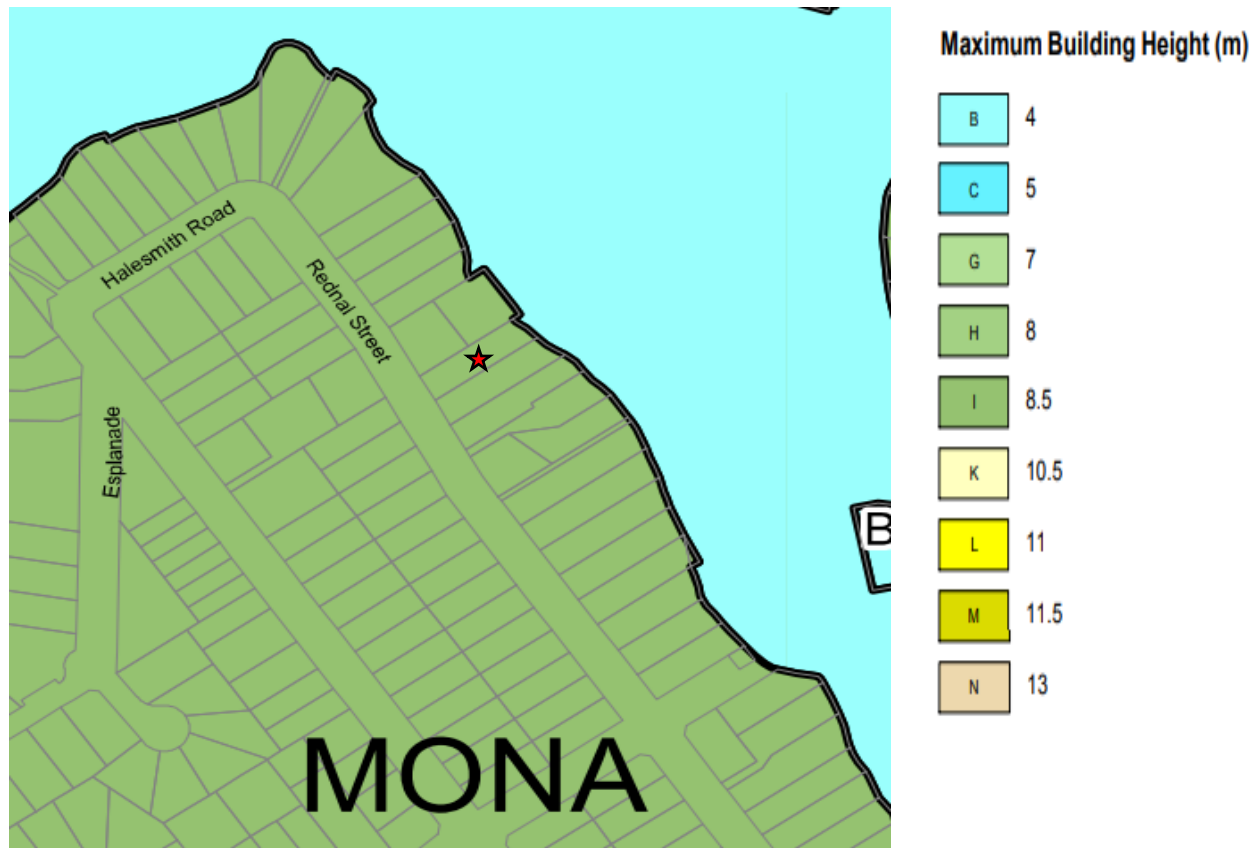


Figure 3 – Height of Buildings Map, Sheet HOB_017 (LEP 2014)

Objectives

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
 - (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
 - (c) *to minimise any overshadowing of neighbouring properties,*
 - (d) *to allow for the reasonable sharing of views,*

- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Comment:

The proposed Terrace and Associated Works have the following positive features:-

- The proposed Terrace and Associated Works are significantly below the 8.5m Height of Buildings Standard.
- The proposed Terrace is to be located on the roof of the existing boatshed. The only additional height above the roof are proposed pavers and a new balustrade which is an open, very minor structure.
- The proposed Terrace and Associated Works will not reduce the approved landscaped area under Development Consent No. 2022/0953. In fact, the proposed development provides new landscaping on part of the roof boatshed.

Clause 4.4: Floor Space Ratio (FSR)

Objectives

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that buildings, by virtue of their bulk and scale, are consistent with the desired character of the locality,*
- (b) *to minimise adverse environmental effects on the use and enjoyment of adjoining properties and the public domain,*
- (c) *to minimise any overshadowing and loss of privacy to neighbouring properties and to reduce the visual impact of any development,*
- (d) *to maximise solar access and amenity for public places,*
- (e) *to minimise the adverse impact of development on the natural environment, heritage conservation areas and heritage items,*
- (f) *to manage the visual impact of development when viewed from public places, including waterways,*
- (g) *to allow for the reasonable sharing of views.*

Comment:

The subject site is not identified on any Floor Space Ratio Map.

Furthermore, the proposed Terrace and Associated Works do not constitute “*Gross Floor Area*”. Accordingly, Clause 4.4 is not applicable.

Clause 5.10: Heritage Conservation

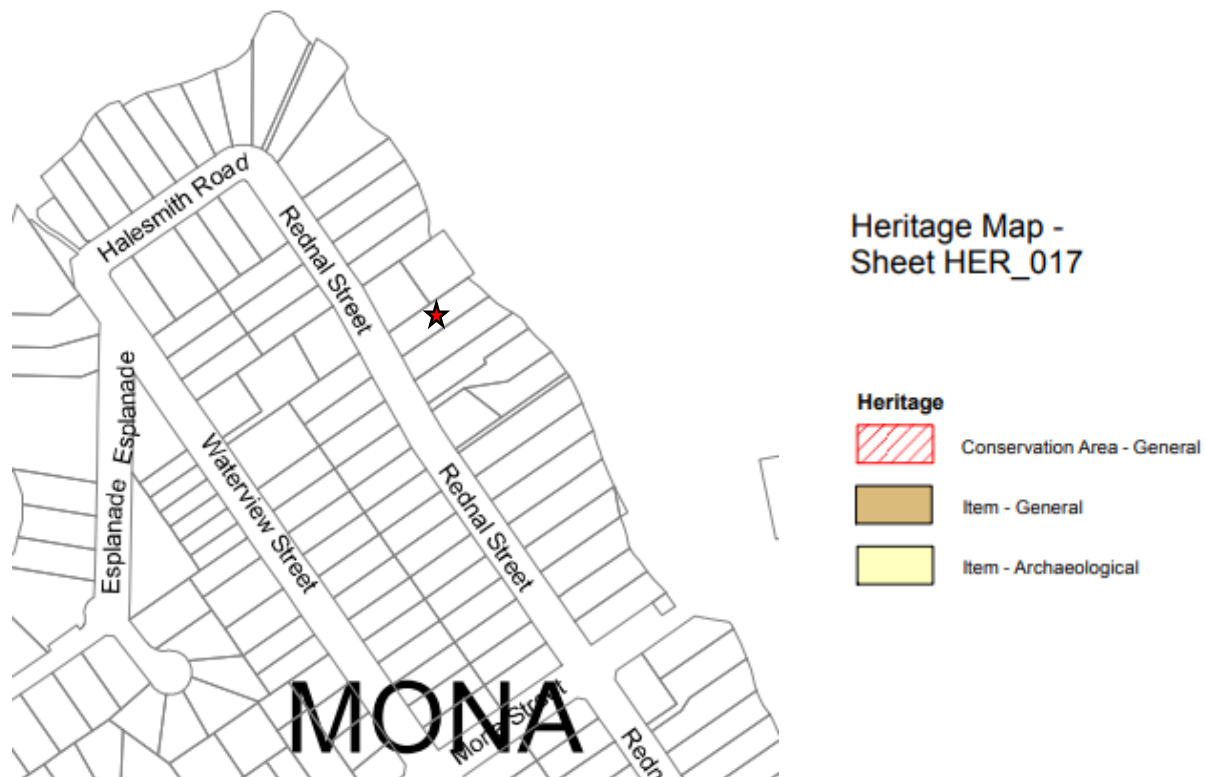


Figure 4 – Heritage Map, Sheet HER_017 (LEP 2014)

Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment:

The subject site does not contain a Heritage Item and is not within a Heritage Conservation Area.

Furthermore, there are no Heritage Items or Heritage Conservation Areas adjoining the subject site.

In terms of Heritage Impact, I stress that I am not a Heritage Consultant and I defer to the advice of Council's Heritage Officer. I do, however, note that Council Officers did not raise a Heritage concern in response to the approved New Dwelling and Swimming Pool under Development Consent No. DA2022/0953. Given the fact that the current DA proposes works significantly reduced compared to the approved Dwelling and Swimming Pool under Development Consent No. DA2022/0953, it is not anticipated that Council's Heritage Officer will raise an issue of Heritage concern to the current DA.

Clause 5.21: Flood planning

Objectives

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

Comment:

Whilst the subject site immediately adjoins the foreshores, the subject site is not identified on the Flood Hazard Map as being at risk.

I note that Council Officers considered that the approved New Dwelling and Swimming Pool under Development Consent No. DA2022/0953 was compliant with the requirements of Clause 5.21. Again, the current proposed development is significantly reduced compared to the approved Dwelling and Swimming Pool and the proposed Terrace is significantly higher than the foreshores.

In view of the above, the current DA is not considered to contravene the Objectives of the above Clause 5.21.

Clause 7.1: Acid Sulfate Soils

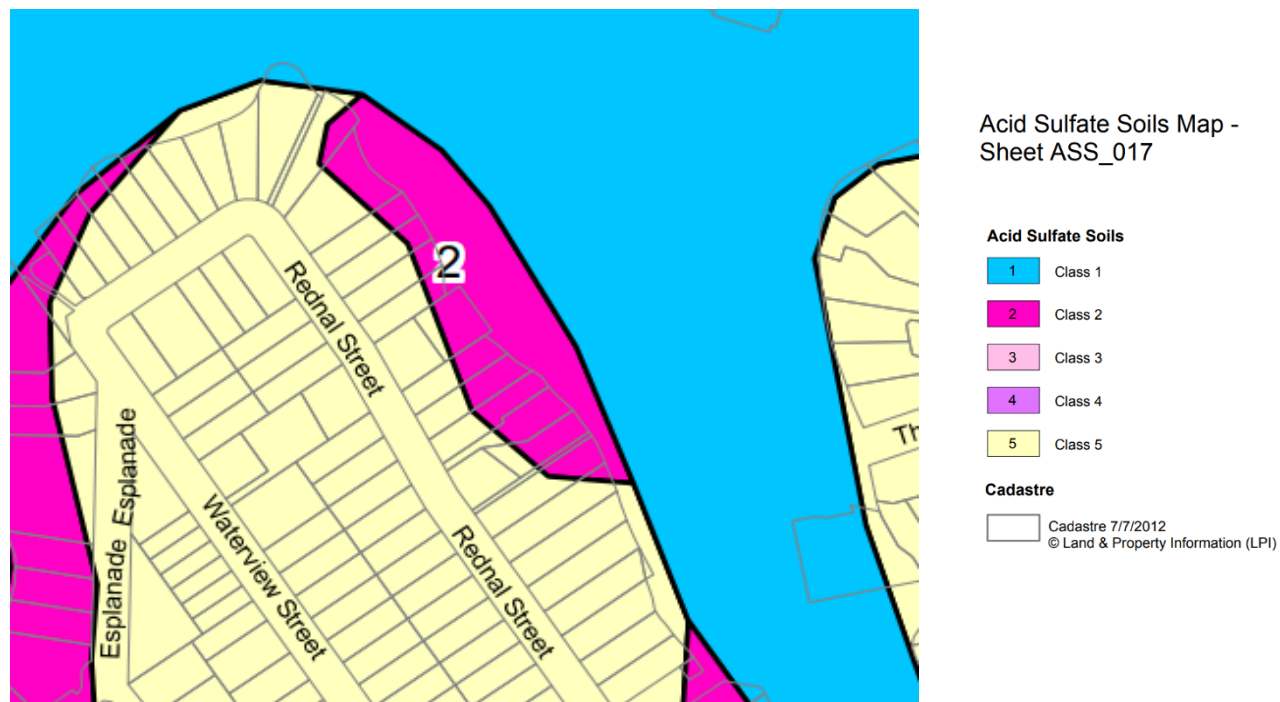


Figure 5 – Acid Sulfate Soils, Sheet ASS_017 (LEP 2014)

Objectives

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Comment:

The land based component of the subject site is within Class 5 and Class 2 Areas and the water based component is within a Class 1 Area under the Acid Sulfate Soils Map.

Under the previous Development Consent No. DA2022/0953, the approved New Dwelling and Swimming Pool were considered by Council officers to comply with Clause 7.1 of LEP 2014.

The current DA involves only negligible Excavation and Earthworks.

For the above reasons, I consider that the proposed Earthworks and Excavation will be satisfactory in terms of Acid Sulfate Soils. Please refer to further comment below under “*Earthworks*”.

Clause 7.2: Earthworks

Objectives

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

Comment:

The approved development under Development Consent No. DA2022/0953 was considered by Council officers to be satisfactory with the requirements of Clause 7.2 in the Development Application Assessment Report. Council’s Assessment Officer advised as follows:-

“Having regard to the above assessment, it is concluded that the proposed development is consistent with the aims and objectives of PLEP 2014, Pittwater 21 DCP and the

objectives specified in s.5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported."

Further to the above, the proposed development will result in negligible proposed Earthworks and Excavation.

Accordingly, I consider that the proposed Earthworks and Excavation will be satisfactory with the requirements of Clause 702.

Clause 7.5: Coastal risk planning

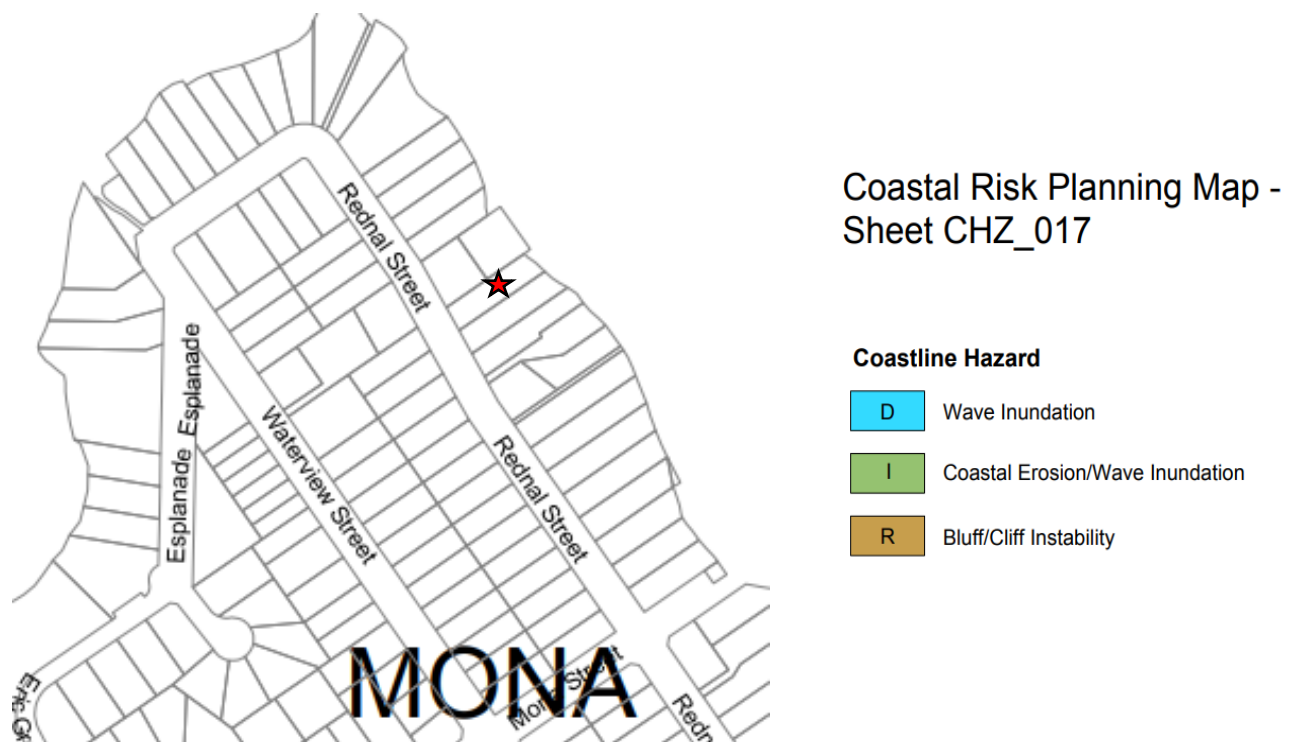


Figure 6 – Costal Risk Planning, Sheet CRP_017 (LEP 2014)

Objectives

(1) The objectives of this clause are as follows—

- (a) to avoid significant adverse impacts from coastal hazards,*
- (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
- (c) to enable the evacuation of land identified as coastal risk in an emergency,*
- (d) to avoid development that increases the severity of coastal hazards.*

Comment:

The subject site is not identified on the Coastal risk planning map. Accordingly, Clause 7.5 does not apply to the proposed development.

Clause 7.6: Biodiversity



Figure 7 - Biodiversity Map, Sheet BIO_017 (LEP 2014)

Objectives

- (1) *The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by—*
 - (a) *protecting native fauna and flora, and*
 - (b) *protecting the ecological processes necessary for their continued existence, and*
 - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

Comment:

The approved New Dwelling and Swimming Pool was considered by Council officers to be satisfactory with the requirements of Clause 7.6.

I again note that the proposed Terrace and Associated Works represent a significantly reduced development compared to the approved New Dwelling and Swimming Pool and will not impact on the approved landscaped area.

I again note that the proposed development will provide additional landscaped area on top of the existing boatshed.

Accordingly, I consider that the proposed development is satisfactory in relation to Clause 7.6.

Clause 7.7: Geotechnical Hazards

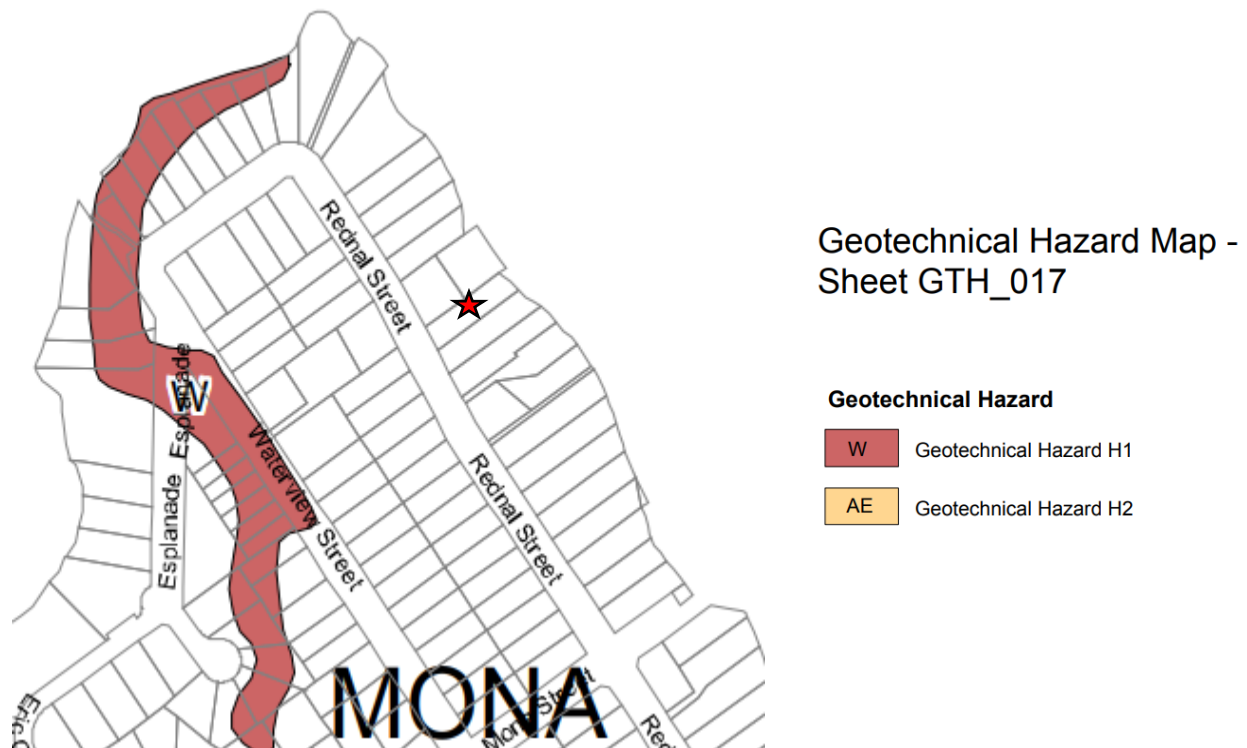


Figure 8 – Geotechnical Hazard Map, Sheet GTH_017 (LEP 2014)

Objectives

- (1) *The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—*
- (a) matches the underlying geotechnical conditions of the land, and*
 - (b) is restricted on unsuitable land, and*
 - (c) does not endanger life or property.*

Comment

Development Consent No. DA2022/0953 for a New Dwelling and Swimming Pool was considered by Council officers to be compliant with the requirements of Clause 7.7 in the Development Application Assessment report.

The current DA is also not considered to raise any concern relating to Geotechnical Hazards due to the negligible proposed Earthworks and Excavation.

Clause 7.8: Limited development on foreshore area



Figure 9 – Foreshore Building Line Map, Sheet FBL_017 (LEP 2014)

Objectives

(1) *The objectives of this clause are as follows—*

- (a) *to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
- (b) *to ensure continuous public access along the foreshore area and to the waterway.*

Comment:

The existing boat shed and proposed Terrace and Associated Works are within the Foreshore Area.

I note that the approved Swimming Pool forming part of Development Consent No. DA2022/0953 also fell partially within the Foreshore Area and was considered to be compliant with the requirements of this Clause 7.8 as per the following comments of Council's officers:

- *“The proposed development seeks consent for the construction of a swimming pool partially within the foreshore area. The existing boatshed structure (which is not subject to changes as part of this application) already encroaches within the foreshore area.*
- *The proposed development is consistent with the objectives of the C4 Environmental Living zone. The appearance of the proposed development is compatible with the surrounding area. The proposed development will not cause environmental harm in relation to pollution, siltation, surrounding uses, marine habitat, wetland areas, flora or fauna habitats, drainage patterns or remnant riparian vegetation. The proposed development will not cause congestion or generate conflict between people using the adjacent open space or waterway. The proposed development does not alter the existing degree of public access along the foreshore. The proposed development will not result in adverse impacts to any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land. The proposed development will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. The proposed development will not impact upon sea level rise, coastal erosion or recession, or change flooding patterns.*
- *“The proposed development will not change the existing degree of public access to and along the foreshore. The proposed development does not impact upon any public access. The proposed development is acceptable in relation to the foreshore character and the existing environmental conditions.”*

I consider that the proposed Terrace and Associated Works also satisfy Clause 7.8 for the following reasons:-

- i. The proposed Terrace and Associated Works are located on the roof of the existing boatshed, which already is within the Foreshore Area.
- ii. The proposed Terrace and Associated Works will not result in the footprint of the existing boatshed extending further into the Foreshore Area
- iii. For the reasons referred to in this SEE, I consider that the proposed development will satisfy the following:-
 - a. The Objectives of the Zone.
 - b. Clause 7.8(2)(a).
 - c. The appearance of the proposed Terrace and Associated Works will be very modest in scale and nature and compatible with the area. On this point, I note a number of existing dwellings in the immediate locality have a significantly greater Visual Impact from the waterways compared to the proposed Terrace and Associated Works. The proposed Terrace and Associated Works are also significantly setback from the waterways compared to a number of existing terraces fronting the waterways. Please refer to the attached Annexures.
 - d. The proposed development will not cause environmental harm. On this point, appropriate Conditions of Consent should be imposed by Council to ensure construction is carried out in an appropriate manner to ensure no adverse impacts on the waterways, the environment and adjoining properties.
 - e. The proposed development will not cause *“congestion or general conflict between people using open space areas or*

the waterway". On this point, I note that there is no public walkway along the foreshore. In relation to the adjoining waterways, I consider that that proposed Terrace will increase passive surveillance of the foreshore and waterways, which is one of the Positive Outcomes.

- f. As noted above, there is no public access along the Foreshore Area.

Furthermore, as previously advised, the proposed development represents a very significant reduced development compared to the approved New Dwelling and Swimming Pool.

Accordingly, I consider that the current proposed development satisfies Clause 7.8.

4.4 Pittwater 21 Development Control Plan (Pittwater DCP)

Section A Shaping Development in Pittwater

A3.4 Key objectives of the Pittwater 21 Development Control Plan

Ecologically Sustainable Development

In this DCP, ecologically sustainable development means development that maintains the ecological processes on which life depends while meeting the needs and improving the total quality of life of the present generation, without compromising the ability of future generations to do the same.

Ecologically sustainable development is fundamental to the environmental, social and economic objectives of this DCP.

Comment:

For the reasons outlined in this SEE, I consider that the proposed development satisfies the objectives of Ecologically Sustainable Development (ESD).

Specifically, the proposed Terrace will allow future occupants to enjoy natural sunshine and airflow, without using artificial devices.

Environmental Objectives

The environmental objectives of this DCP are to:

1. *conserve and enhance the ecological integrity, biodiversity, wildlife corridors, aquatic habitats, water quality, environmental heritage and environmental significance of Pittwater;*
2. *maintain the natural beauty of the area by retaining natural landforms, minimising land excavation and fill, and by minimising erosion, pollution and other forces that may impact on the landscape;*
3. *prescribe limits to urban development having regard to the potential impacts of development on the natural environment, natural hazards, and the provision, capacity and management of infrastructure; and*
4. *plan, design and site development to achieve the principles of ecologically sustainable development.*

Comment:

The proposed development satisfies the Environmental Objectives of Pittwater DCP by way of the following: -

1. For the reasons raised in the SEE, the proposed development does not impact on the ecological integrity, biodiversity, wildlife corridors, environmental heritage and environmental significance of Pittwater. I also note the proposed increased landscaped area on the roof of the existing boatshed.
2. The proposed development proposes negligible land excavation and fill as previously discussed within this SEE.
3. The proposed development will not result in any adverse impacts on the natural environment, and has regard to potential natural hazards, for the reasons

outlined in this SEE. There will be no impacts on the provision, capacity and management of infrastructure.

4. The proposed development maintains the ESD principles achieved under Development Consent No. DA2022/0953 for the approved New Dwelling and Swimming Pool.

Social Objectives

The social objectives of this DCP are to:

- 1. meet the social needs of our community and future generations through provision of an appropriate balance and mix of land uses and development, including community facilities, open space and services;*
- 2. promote the provision of accessible, diverse and affordable housing options to cater for the changing housing needs of the community;*
- 3. plan, design and site development to minimise conflict between land uses and ensure the safety and security of people and property; and*
- 4. identify and conserve the heritage of the built forms and landscapes of Pittwater.*
- 5. maintain the village atmosphere of the centres, giving each a distinct identity and the people a sense of belonging.*

Comment:

In relation to the proposed development, I note the following: -

1. For the reasons raised in this SEE, the proposed development does not impact on the Social Objectives of the community and future generations.
2. The proposed development does not impact on existing accessibility arrangements.
3. The approved development is a Dwelling House within the C4 Environmental Living zone, which is a use permitted with consent under LEP 2014. The proposed Terrace and Associated Works are ancillary to a Dwelling House, and therefore permissible with consent of Council.
4. In relation to Heritage, I refer my previous comments in this SEE. In relation to Landscapes, I refer to my previous comments in this SEE, particularly noting the increased landscaped area on top of part of the roof of the boatshed. The current DA also does not impact on the approved landscaped area.
5. In relation to the “*village atmosphere*”, the subject site is not in a village.

Economic Objectives

The economic objectives of this DCP are to:

1. *meet the economic and employment needs of our community and future generations through provision of an appropriate balance and mix of land uses and built forms;*
2. *promote a strengthening of the local economic base by providing a range of sustainable employment opportunities that respond to lifestyle choices and*

technological change, while protecting local amenity, character and environmental values;

3. *encourage attractive and viable commercial areas through quality urban design;*
4. *integrate development with transport systems and promote safe and sustainable access opportunities emphasising public transport initiatives, walking and cycling within, to and from the Pittwater local government area; and*
5. *encourage appropriate recreational industries which respect the natural attributes and character of Pittwater.*

Comment:

In relation to the proposed development, I note the following: -

1. The proposed development does not adversely impact on the economic and employment needs of the community and future generations, noting the very small contribution to the building industry to construct the proposed development (and also the approved development).
2. The proposed development does not impact on the local economic base, whilst noting my comments in 1. above.
3. Not applicable.
4. The proposed development does not impact on public transport, walking and cycling.
5. Not applicable.

A4.9 Mona Vale Locality

Desired Future Character

“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.”

Comment:

Development Consent No. DA2022/0953 for a New Dwelling and Swimming Pool was considered by Council officers to satisfy the Desired Future Character of the Mona Vale Locality.

I consider that the positive comments expressed by Council officers in response to the approved New Dwelling and New Swimming Pool can be applied to the current DA for the following reasons:-

- The current DA represents a very significant reduced development compared to the approved New Dwelling and New Swimming Pool.
- The proposed Terrace and Associated Works represent a very minor part of the above approved development.
- The current DA is significantly below the Height of Buildings Standard.
- The current DA retains the approved landscaped area and provides additional landscaped area on top of the roof of the existing boat shed.
- The current DA is of a modern typology consistent with the approved development.
- The proposed development will also be built of colours and materials consistent with the approved development.
- The proposed development retains all approved access arrangements.

For the above reasons, I consider that the proposed development will satisfy the Desired Future Character of the Mona Vale Locality.

Section B General Controls

B1 Heritage Controls

Comment:

In terms of Heritage Impact, I stress that I am not a Heritage Consultant and I defer to the advice of Council's Heritage Officer.

I also refer to my previous comments in this SEE.

B1.3 Heritage Conservation - General

Outcomes

Conservation of the environmental heritage across Pittwater LGA in accordance with the principles contained in the Burra Charter.

Enhancement of the existing heritage values and encouragement of contemporary design that responds appropriately to their context.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

Comment:

Please refer to my previous comments in this SEE.

B1.4 Aboriginal Heritage Significance

Outcomes

Provide protection for Aboriginal place of heritage significance or Aboriginal object. (S)

Potential Aboriginal places of heritage significance and Aboriginal objects are identified and protected. (S)

Comment:

I am not an Aboriginal Heritage Expert and defer to the advice of Council's Aboriginal Heritage Officer as to whether the proposed development will impact on any Aboriginal places of heritage significance.

I, however, wish to note the below comments of Council's Aboriginal Heritage Officer in Council's assessment of the Development Consent No. DA2022/0953:

"No sites are recorded in the current development area and the area has been subject to previous disturbance reducing the likelihood of surviving unrecorded Aboriginal sites. Given the above, the Aboriginal Heritage Office considers that there are no Aboriginal heritage issues for the proposed development".

On this point, I again note that the current DA involves only negligible proposed Earthworks and Excavation.

Thus, it is not anticipated that Council's Aboriginal Heritage Officer will raise an issue of Aboriginal Heritage concern to the current DA.

B3.6 Contaminated Land and Potentially Contaminated Land

Outcomes

Protection of public health.

Protection of the natural environment.

Successful remediation of contaminated land.

Comment:

As previously advised, the subject site is not considered to be impacted by Contamination, given the previous advice of Council officers in relation to the approved New Dwelling and Swimming Pool. The current DA also involves negligible Excavation and Earthworks.

B3.7 Estuarine Hazard - Low density residential

Outcomes

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

Comment:

Council officers in their assessment of DA2022/0953 considered that the approved Dwelling and Swimming Pool to be compliant with the above Control B3.7.

Given the fact that the current DA proposes ancillary works to the approved Dwelling and Swimming Pool under DA2022/0953, it is not anticipated that Council will raise any issue in response to the above Control B3.7.

B3.11 Flood Prone Land

Objectives

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

Comment:

The subject site is not identified as Flood Prone Land.

B3.12 Climate Change (Sea Level Rise and Increased Rainfall Volume)

Outcomes

Protection of people.

Protection of the natural environment.

Protection of private and public infrastructure and assets.

Comment:

Clause B3.12 applies where '*intensification of development*' is proposed. As previously noted, the current application maintains the current approved use of the subject site as a dwelling house and does not intensify the use of the subject site.

B4.19 Estuarine Habitat

Outcomes

To protect and enhance the mangroves, saltmarsh, seagrasses, intertidal sand/mud flats and other foreshore habitats that comprise the estuarine habitat of Pittwater. (En)

Development in the catchment of estuarine habitat is to result in estuarine habitat being retained or enhanced with respect to that development. (En)

The physical, chemical and biological processes of estuarine habitats in Pittwater are improved, maintained or restored. (En)

The social and cultural values of estuarine habitats are conserved and enhanced. (S)

Biodiversity, ecological processes and other estuarine habitat values are conserved. (En)

Comment:

I defer to the advice of the relevant Council officer as to whether the proposed development results in any adverse impacts on estuarine habitats.

I do note Council officers in their assessment of Development Consent No. DA2022/0953 considered the approved New Dwelling and Swimming Pool to be compliant with the above Control B4.19.

Given the fact the proposed Terrace and Associated Works are well setback from the waterway and represent a very minor part of the approved Dwelling and Swimming Pool, I do not anticipate a concern in terms of Estuarine Habitat.

B5 Water Management

B5.13 Development on Waterfront Land

Outcomes

Protection of waterways and improved riparian health (En)

Stormwater and creek flows are safely managed. (S)

Appropriate setback between waterways and development (En)

Comment:

In relation to the Water Management, I note the following: -

- The proposed development does not result in any impacts to waterfront land on the eastern boundary of the subject site.
- The proposed development will not result in any changes to existing water courses.
- There are no proposed works over natural water courses.
- There are no changes to the approved setbacks between the waterways and the proposed development.

Council officers in their assessment of Development Consent No. DA2022/0953 considered the approved New Dwelling and Swimming Pool to be compliant with the above Control B5.13.

Given the fact that the current DA proposes, ancillary works to the approved New Dwelling and Swimming Pool under DA2022/0953, it is not anticipated that Council will raise further issue in relation to Control B5.13.

B6 Access and Parking

B6.1 Access driveways and Works on the Public Road Reserve

Outcomes

Safe and convenient access.

Adverse visual impact of driveways is reduced.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation in the road reserve.

Comment:

There are no proposed changes to the existing approved Access and Parking on the subject site.

B6.2 Internal driveways

Outcomes

Safe and convenient access.

Adverse visual impact of driveways is reduced.

Pedestrian safety.

An effective road drainage system.

Maximise the retention of trees and native vegetation in the road reserve.

Comment:

There are no proposed changes to the location and width of the approved Internal Driveway.

B6.3 Off-Street Vehicle Parking Requirements

Outcomes

An adequate number of parking and service spaces that meets the demands generated by the development.

Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.

Safe and convenient parking.

Comment:

There are no proposed changes to the approved Off-Street Vehicle Parking arrangements.

B8.1 Construction and Demolition - Excavation and Landfill

Outcomes

Site disturbance is minimised.

Excavation, landfill and construction not to have an adverse impact.

Excavation and landfill operations not to cause damage on the development or adjoining property.

Comment:

As previously mentioned within this SEE, the proposed development is for a proposed Terrace and Ancillary Works only and will result in negligible Earthworks and Excavation. Thus, I consider that the proposed development complies with Control B8.1 required.

B8.4 Construction and Demolition - Site Fencing and Security

Outcomes

Ensuring public safety.

Protection of public domain.

Comment:

The proposed development can comply with the requirements of this Clause B8.4 throughout construction. Appropriate Conditions of Consent can be imposed by Council to ensure compliance with the outcomes and requirements of Clause B8.4.

B8.5 Construction and Demolition – Works in the Public Domain

Outcomes

Protection of Infrastructure. (S, Ec)

Ensuring Public Safety. (S)

Compliance with the Roads Act 1993. (S)

Comment:

The proposed development does not include proposed works in the Public Domain.

Section C Development Type Controls

C1.1 Landscaping

Outcomes

A built form softened and complemented by landscaping.

Landscaping reflects the scale and form of development.

Retention of canopy trees by encouraging the use of pier and beam footings.

Development results in retention of existing native vegetation.

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

Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species.

Landscaping enhances habitat and amenity value.

Landscaping results in reduced risk of landslip.

Landscaping results in low watering requirement.

Comment:

The proposed development will not impact on the approved landscape area under Development Consent No. DA2022/0953. Furthermore, additional landscaped area is proposed on the roof of the existing boatshed.

C1.2 Safety and Security

Outcomes

On-going safety and security of the Pittwater community.

Opportunities for vandalism are minimised.

Inform applicant's of Council's requirements for crime and safety management for new development.

Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements.

Identify crime and safety priority areas in Pittwater LGA.

Improve community safety and reduce the fear of crime in the Pittwater LGA.

Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety.

Comment:

The proposed Terrace and Associated Works will increase passive surveillance of the adjoining foreshores and waterway, which is one of the Positive Outcomes

C1.3 View Sharing

Outcomes

A reasonable sharing of views amongst dwellings.

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.

Canopy trees take priority over views.

Comment:

In terms of Public Views from the Public Domain, there are no adverse impacts on Public Views from the Public Domain.

In terms of Private Views I consider, that there will be no unreasonable View Loss from 20 Rednal Street, based on my assessment under the relevant provisions of Section C1.3 entitled “*View Sharing*” under DCP 2021, which adopts the Court’s Planning Principle under *Tenacity Consulting v Warringah Council (Tenacity)*. I particularly note the following: -

- In response to the attached View Analysis prepared by Richard Cole Architecture of the views from 20 Rednal Street adjoining the subject site, I advise as follows:
 - i. There clearly would be only a very minor portion of water views lost as a result of the proposed development. I also note that the great majority of water views and all of the horizon will be retained from 20 Rednal Street.

Please refer to Drawing No. DA-BO6 in the View Analysis prepared by Richard Cole Architecture.

- ii. Based on the above elements of the views which will be maintained from 20 Rednal Street, I consider that the View Loss is less than “*minor*”, based on the scale under Tenacity.
- iii. Furthermore, the View Loss from 20 Rednal Street is across the side northern boundary. Tenacity has established that “*the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries*” and that “*The expectation to retain side views and sitting views is often unrealistic*”.

Overall, for the reasons referred to above, I consider that there is no unreasonable View Loss to the adjoining property at 20 Rednal Street, Mona Vale.

C1.4 Solar Access

Outcomes

Residential development is sited and designed to maximise solar access during mid-winter.

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

Reduce usage and/dependence for artificial lighting.

Comment:

The proposed Terrace and Associated Works will not unreasonably impact on Solar Access to adjoining properties.

The degree of Overshadowing Impact on adjoining properties is negligible.

C1.5 Visual Privacy

Outcomes

Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.

A sense of territory and safety is provided for residents.

Comment:

The proposed Terrace is within 9m of the existing private open space on 20 Rednal Street, Mona Vale. To sufficiently protect the private open space of 20 Rednal Street, the following Privacy measure is proposed:

- A 1.8m “*obscure glazed privacy screen*” along the southern elevation of the proposed Terrace.

It is my professional opinion that the proposed privacy screen will sufficiently protect the private open space of 20 Rednal Street, mitigating any unreasonable adverse Overlooking Impact for the following reasons:

- The proposed screen will prevent overlooking from the proposed Terrace into the swimming pool and private open space of 20 Rednal Street, Mona Vale.

- The proposed screen comprises obscure glazing in order to maintain light levels and prevent any overshadowing of 20 Rednal Street, which was a concern of the owners of 20 Rednal Street in their submission in response to the approved development.

I further note, the proposed screen will provide additional Visual Privacy to 20 Rednal Street, by preventing direct overlooking from the approved north-eastern ground floor terrace.

C1.6 Acoustic Privacy

Outcomes

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

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.

Comment:

I consider that the proposed Terrace will not unreasonably impact the Acoustic Privacy of all surrounding properties given that the proposed Terrace is associated with only a single New Dwelling. Furthermore, the proposed privacy screen will further reduce noise generated from the proposed Terrace onto the adjoining 20 Rednal Street.

C1.7 Private Open Space

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)

Comment:

The proposed development will not impact on the approved private open space area under the approved New Dwelling under Development Consent No. DA2022/0953.

C1.12 Waste and Recycling Facilities

Outcomes

To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development.

To encourage environmentally protective waste management practices on construction and demolition sites which include:

- *sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;*
- *adoption of design standards that complement waste collection and management services offered by Council and private service providers;*
- *building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and*
- *appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.*

To encourage the ongoing minimisation and management of waste handling in the future use of premises.

To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.

To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.

To minimise any adverse environmental impacts associated with the storage and collection of waste.

To discourage illegal dumping

Comment:

There are no changes to the approved Waste and Recycling Facilities under Development Consent No. DA2022/0953.

C1.13 Pollution Control

Outcomes

Development that does not adversely impact on public health, the environment or other lands.

Comment:

The current DA is considered to achieve compliance through the use of modern materials with positive environmental and health outcomes.

C1.24 Public Road Reserve – Landscaping and Infrastructure

Outcomes

Desirable character of the Pittwater streetscape. (S)

Consistency in the design and construction of landscape works in the road reserve. (En)

Comment:

There are no proposed changes to existing landscaping within the road reserve.

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

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.

Comment:

The proposed development does not propose any Plant, Equipment Boxes or Lift Over-runs. No further consideration is required.

Section D Locality Specific Development Controls

D9.1 Character as viewed from a public place

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. (En, S, Ec)

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 the 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)

Comment:

I note Council officers in their assessment of Development Consent No. DA2022/0953 considered the approved New Dwelling and Swimming Pool satisfied the above Control D9.1.

Given the fact that the current DA proposed ancillary works to the approved Dwelling and Swimming Pool under Development Consent No. DA2022/0953, it is not anticipated that Council will raise further issue to the above Control D9.1.

D9.3 Building colours and materials

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)

Comment:

As previously mentioned within the SEE, the proposed ancillary works will be of a modern typology and of a design, colours and materials consistent with the approved development.

D9.6 Front Building Line

Outcomes

Achieve the desired future character of the Locality.

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.

Comment:

There are no changes to the approved front building line under Development Consent No. DA2022/0953.

D9.7 Side and rear building line

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)

Comment:

There are no changes to the approved side and rear building lines under Development Consent No. DA2022/0953.

D9.9 Building envelope

Outcomes

To achieve the desired future character of the Locality. (S)

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)

Comment:

There are no changes to the approved building envelope under Development Consent No. DA2022/0953.

D9.11 Landscaped Area – Environmentally Sensitive Land

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 run-off and assist with stormwater management. (En, S)

Comment:

As previously mentioned within this SEE, there are no changes to the approved landscaped area under Development Consent No. DA2022/0953. Further, the proposed

development is to provide additional landscaped area on part of the roof of the boatshed.

D9.12 Fences – General

Outcomes

To achieve the desired future character of the Locality. (S)

To ensure fences compliment and conserve the visual character of the street and neighbourhood.

To define the boundaries and edges between public and private land and between areas of different function.

To contribute positively to the public domain.

An open streetscape that allows casual surveillance of the street. (S)

Fences, where provided, are suitably screened from view from a public place. (S)

Safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians. (S)

Unhindered travel for native animals and pedestrians. (S)

To ensure heritage significance is protected and enhanced. (S)

To ensure an open view to and from the waterway is maintained. (S)

Comment:

There are no changes to the approved Fences under Development Consent No. DA2022/0953.

D9.14 Construction, Retaining walls, terracing and undercroft areas

Outcomes

To achieve the desired future character of the Locality.

To protect and minimise disturbance to natural landforms.

To encourage building design to respond sensitively to natural topography.

Comment:

The above control does not apply to the proposed Terrace as the proposed Terrace is to use the existing rooftop of the existing boatshed. No further consideration is required.

D15.15 Waterfront development

Waterfront development does not have an adverse impact on the water quality and estuarine habitat of Pittwater.

Public access along the foreshore is not restricted.

Waterfront development does not encroach on navigation channels or adversely affect the use of ferries and service vessels or use of the waterway by adjoining landowners.

Structures blend with the natural environment.

Structures are not detrimental to the visual quality, water quality or estuarine habitat of the Pittwater Waterway.

To promote a mix of commercial waterfront development for the accommodation of boats, their repair and maintenance, and for organised waterfront development.

Waterfront development which does not comply with the outcomes of this clause are removed.

Comment:

Control D15.15 provides criteria for the development of boat sheds. As the subject boatshed is existing and the proposed development is for a Terrace and Associated Works, the majority of Control D15.15 does not apply.

I, however, wish to note Control D15.15(c)(iv) as follows:-

- *“Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted. Roof areas of boatsheds shall not be used for recreational or observational purposes.”*

The proposed Terrace will be located on the existing boatshed rooftop to be used for passive recreational purposes. For the reasons referred to within this SEE, compliance with the above control is deemed unreasonable and unnecessary as no adverse Planning Outcomes will arise as a result of the proposed Terrace. Furthermore, as demonstrated in this SEE, the use of the boatshed roof for a Terraces is commonplace

around Pittwater as they have been approved on numerous occasions. Please refer to Annexures.

5.0 CONSULTANTS' PLANS AND REPORTS

5.1 Architectural Plans

Architectural Plans have been prepared by Richard Cole Architecture.

5.2 Survey Plan

A Survey Plan has been prepared by SDG Land Development Solutions. (Sourced from DA2022/0953)

5.3 Cost Summary Report

A Cost Summary Report has been prepared by Richard Cole Architecture.

6.0 POSITIVE OUTCOMES OF THE DA

For the reasons outlined in this SEE, I consider that the current DA does not create unreasonable impacts on adjoining properties and the public domain.

I also consider that the proposed development will provide a range of Positive Outcomes, including the following:-

- The proposed Terrace and Associated Works will improve the internal amenity for future occupants, without unreasonably impacting on adjoining properties and the public domain.
- The proposed Terrace and Associated Works will increase passive surveillance of the foreshore and the waterways, which will assist in public safety.
- The proposed Terrace and Associated Works will be built of materials and colours consistent with the approved Development Consent No. DA2022/0953.
- The proposed “*obscure glazed privacy screen*” will provide Visual Privacy to 20 Rednal Street, preventing direct overlooking from the approved north-eastern ground floor terrace and the proposed Terrace.

7.0 SECTION 4.15 ASSESSMENT

Assessment of the current development requires consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act in terms of the permissibility and merits of the proposed development.

Previous sections of this SEE have addressed the relevant range of matters to be considered under Section 4.15.

The following additional comments are provided for assessment.

Environmental Planning Instruments

As previously noted, the proposed development is permissible under the current C4 zoning under LEP 2014.

Assessment under the relevant provisions of LEP 2014 has been provided in the previous sections of this SEE.

Development Control Plans

A full assessment under Pittwater DCP has been provided.

Impact on the Natural Environment.

The proposed development will not impact on the natural environment. In fact, there is a range of Positive Outcomes arising from the current DA which are outlined in this SEE.

Impact on the Built Environment.

- **Scenic qualities** – For the reasons outlined in this SEE, I consider that the current DA is consistent with the current and future character of the locality as expressed within the provisions of LEP 2014 and Pittwater DCP.
- **Compatibility with adjacent land uses** – The current DA will be compatible with adjoining land uses.
- **Height, Bulk and Scale** – The proposed height, bulk and scale will be eminently reasonable for the reasons outlined in this SEE.
- **Overshadowing** – For the reasons in this SEE, the proposed development will not result in unreasonable Overshadowing Impact on adjoining properties.
- **Views and vistas** – For the reasons discussed in this SEE, the proposed development will not impact on Views and Vistas from adjoining properties and the public domain.
- **Site design** – The site design has been configured to ensure no unreasonable impacts.
- **Public domain** – As previously noted, there will be no adverse impact on the public domain.
- **Existing Terraces and Balconies Adjoining Foreshores** – The attached Annexures evidence some of the numerous examples of terraces above existing boatsheds, which is a feature of foreshore development along the waterways. In fact, the current proposed Terrace on the boatshed roof is a more conservative development than the attached examples for the following reasons:-
 - i. The proposed Terrace under the current DA is significantly set back from the waterways, compared to the existing examples.
 - ii. The area of the proposed Terrace under the current DA is smaller in area compared to a number of existing examples.

Impact on the Social and Economic Environment.

The proposal will not result in any negative social or economic impacts.

Suitability of the Site.

The subject site, by virtue of its existing layout, topography and locality is suitable for the proposal.

8.0 CONCLUSION

For the reasons outlined in this SEE, I am of the strong professional opinion that the proposed development will make a positive contribution to the subject site and the locality.

A range of Positive Outcomes will be generated by the proposed development without generating unreasonable adverse impacts on adjoining properties or the public domain.

I also consider that the proposed development will not generate unreasonable impacts on adjoining properties or the public domain.

Overall, I recommend the proposed development for approval.

A handwritten signature in dark ink, reading 'Tony Moody'. The signature is written in a cursive style with a horizontal line underneath the name.

TONY MOODY

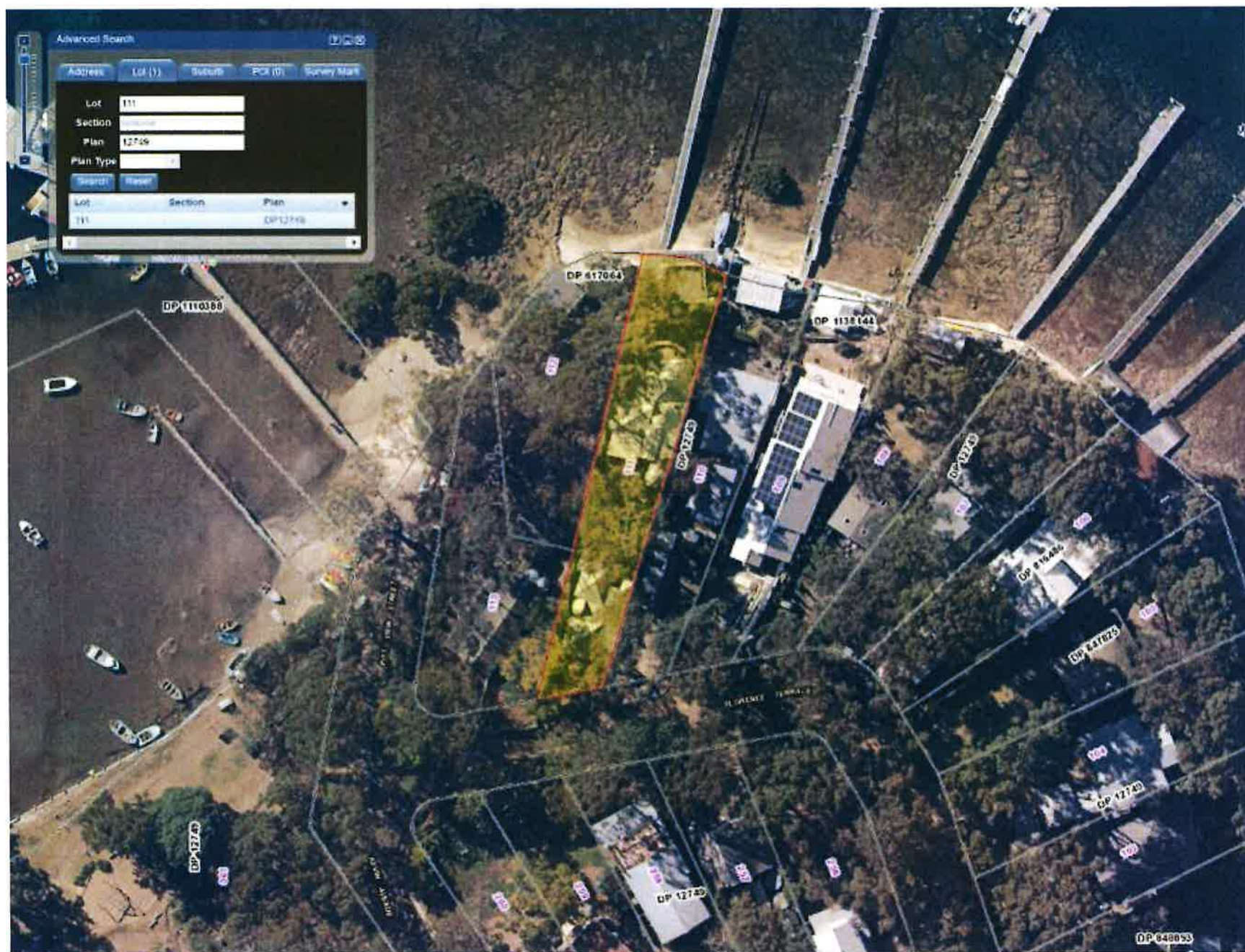
BTP (UNSW), LL.B (UTS) (Hons.), MPIA.

Dated: 24 April 2024

Annexures



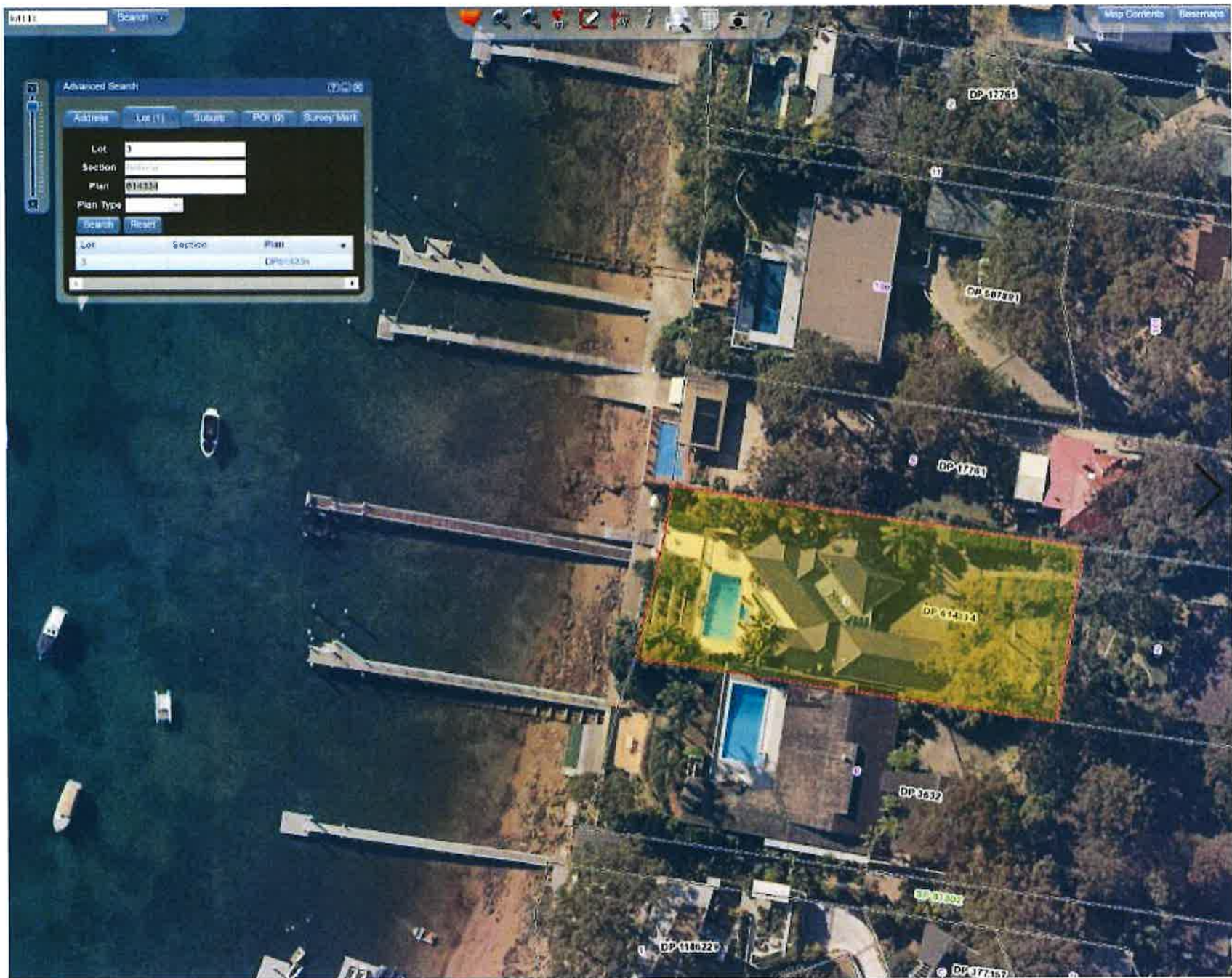
5 Florence Terrace, Scotland Island



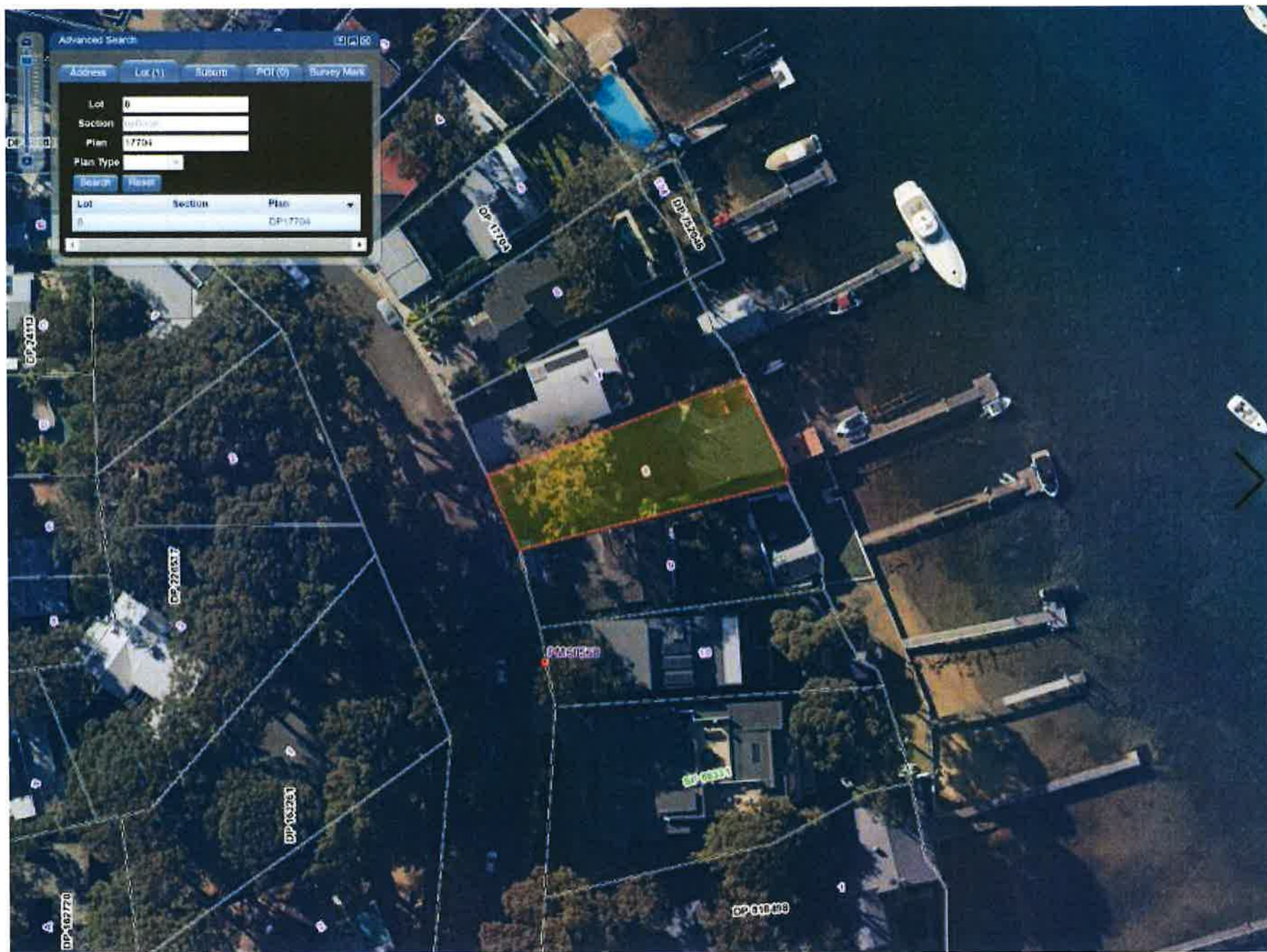




9a Riverview Road, Avalon Beach

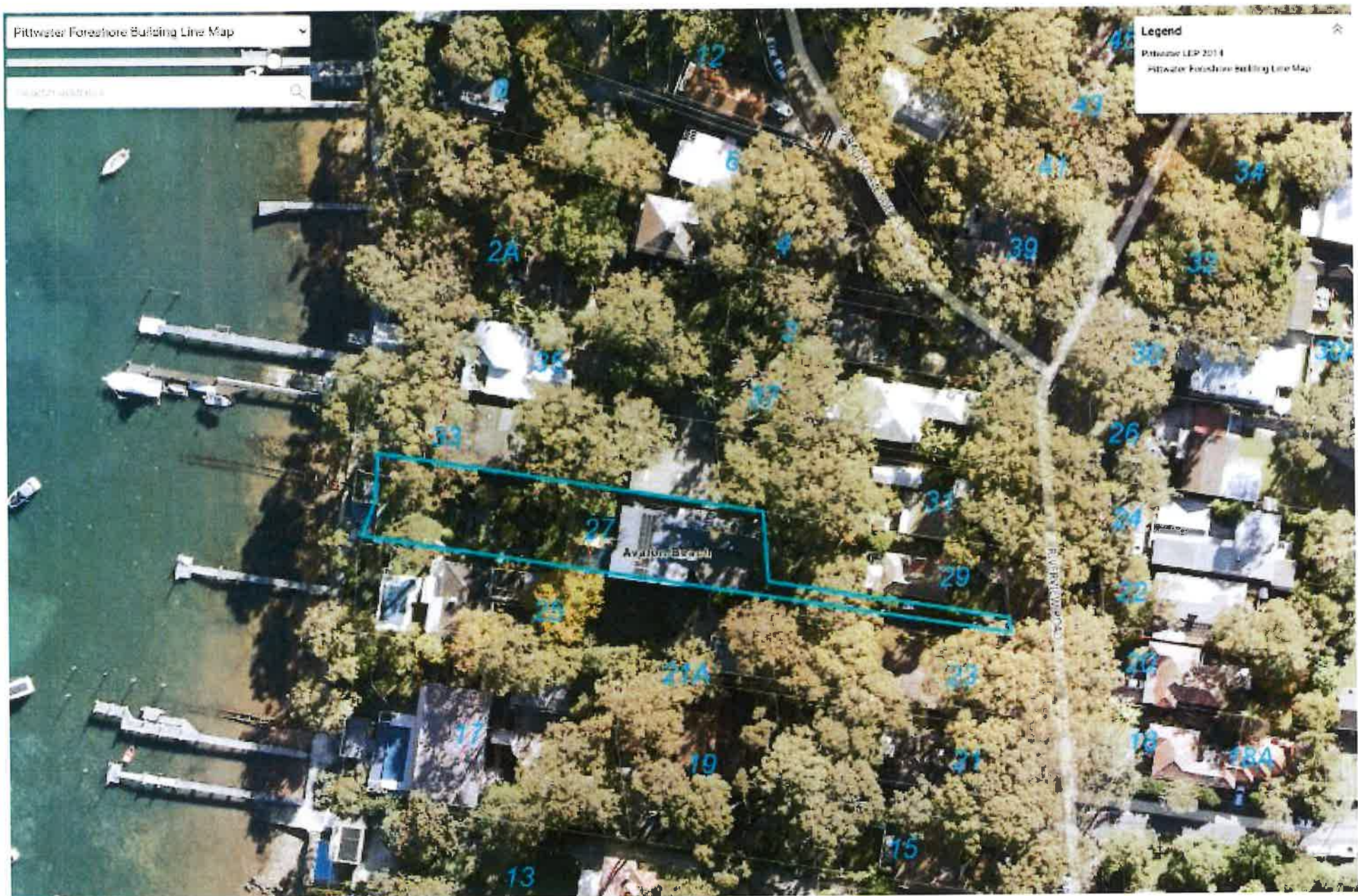


22 Cabarita Way, Avalon Beach



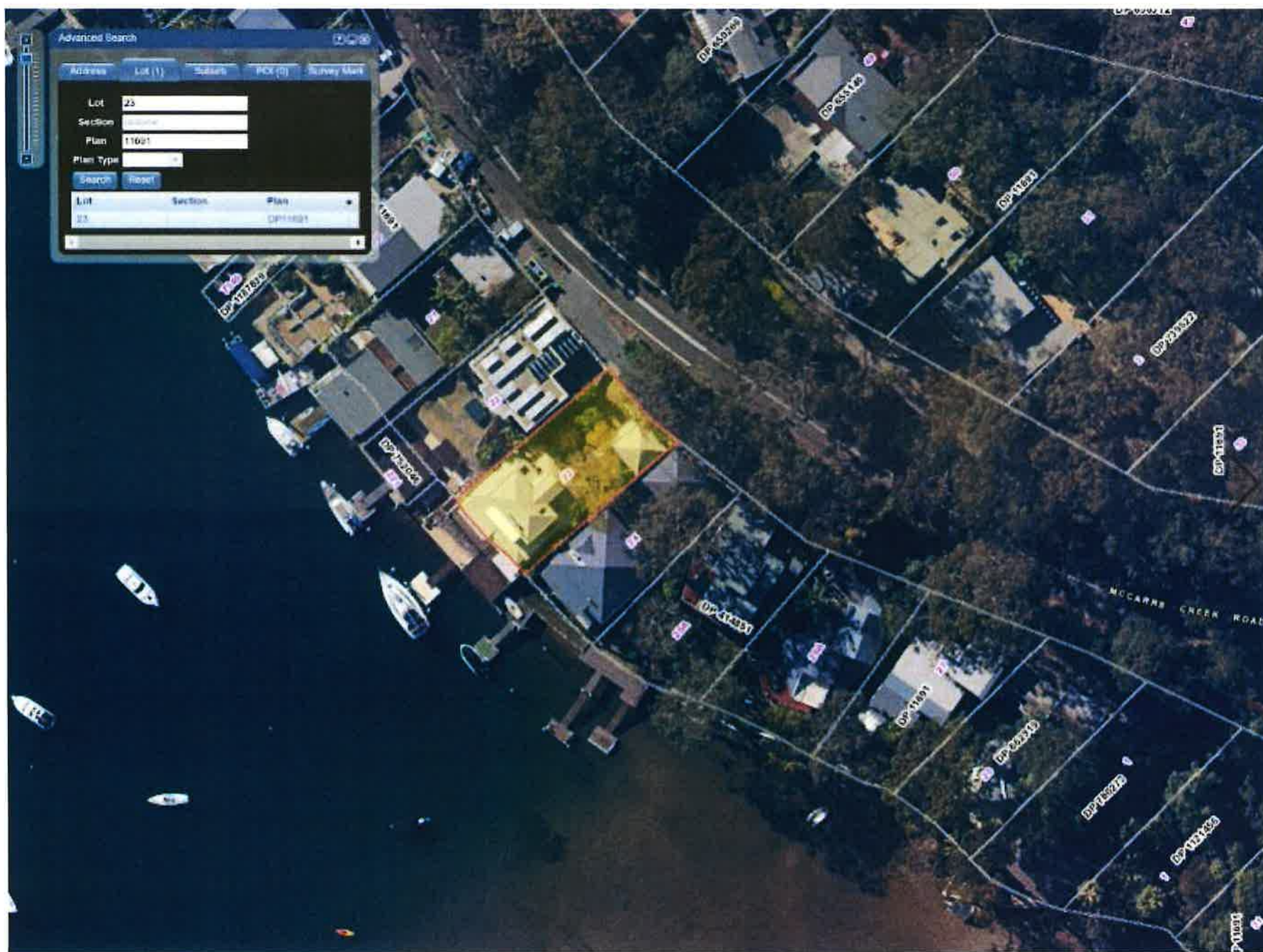


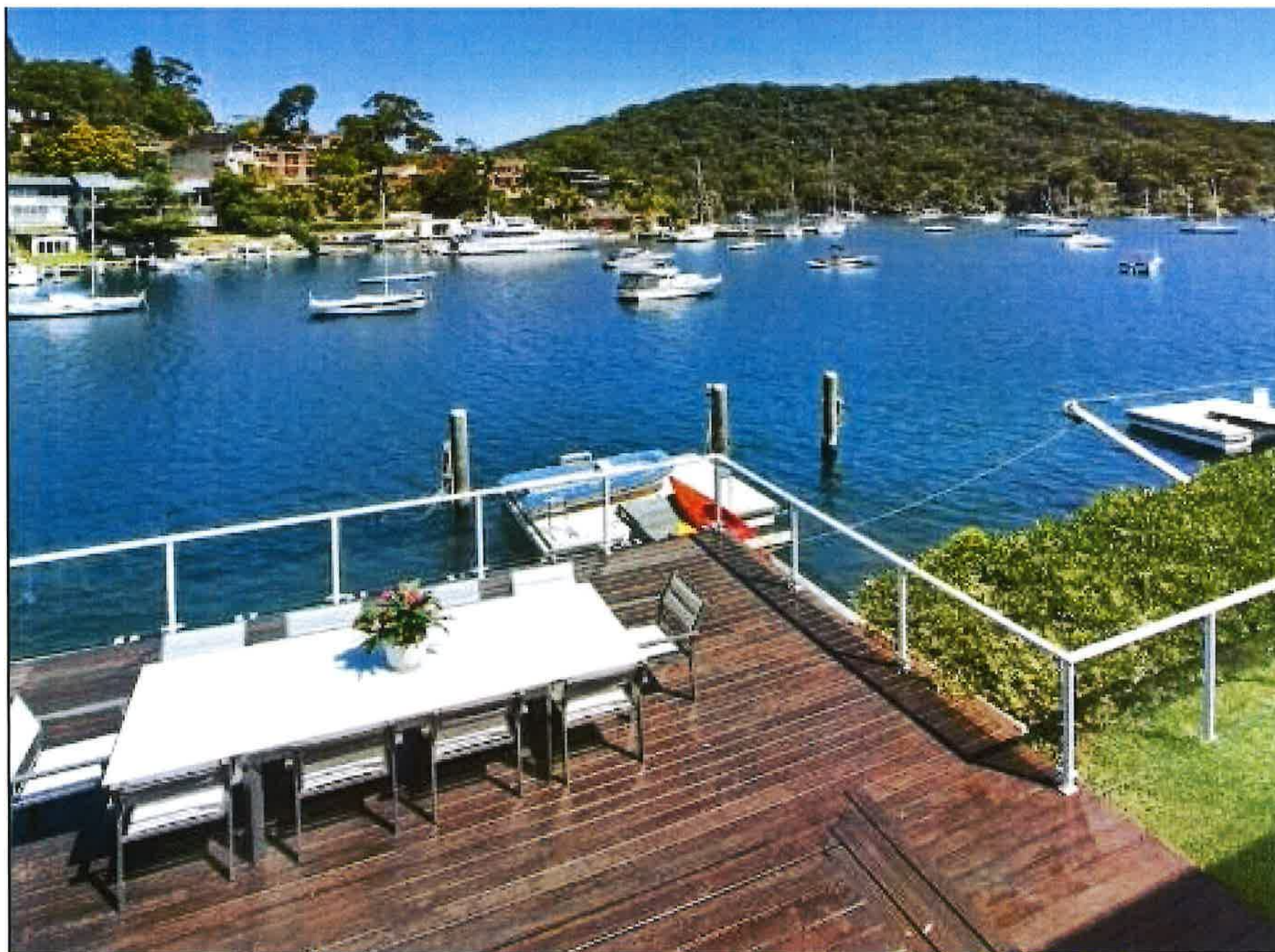
27 Riverview Road, Avalon Beach





56 McCarrs Creek Road, Church Point



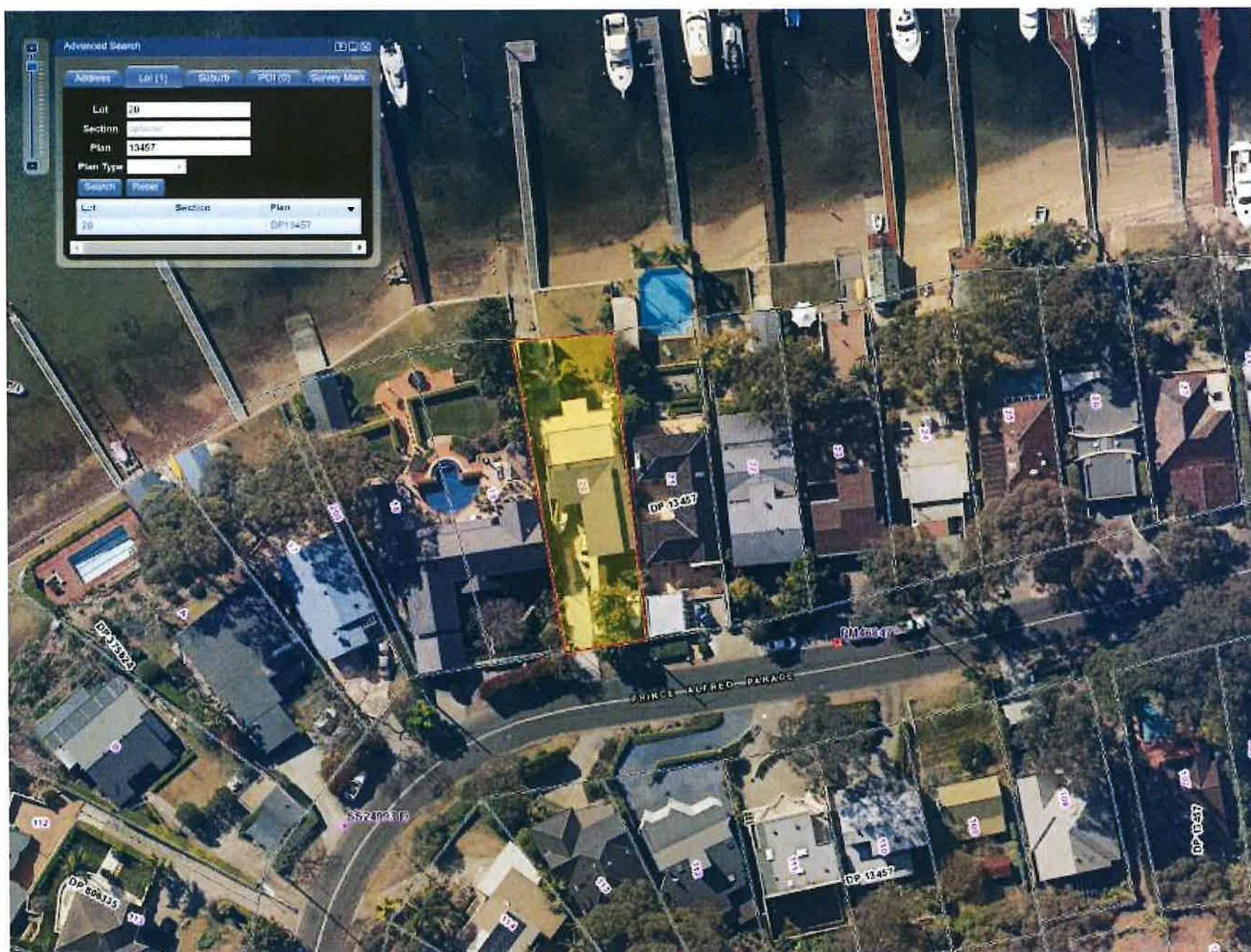


64 Hudson Parade Clareville, Church Point





96 Prince Alfred Parade, Newport



132 McCarrs Creek Road

