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**Sent:** 2/06/2020 3:15:02 PM  
**Subject:** Submission opposing DA 2020/0107 Registering for NBLPP  
**Attachments:** Signed FINAL SUBMISSION DA 2020\_0107 (1).pdf; 103 Narrabeen Park Parade - BFF Opposing letter (1) (2).pdf;

Dear Carly,

As requested we are submitting our written submission and would also like to confirm that you will be calling us tomorrow for the NBLPP teleconference panel for the application of **DA2020/0107**

**Address: 103 Narrabeen Park Parade Mona Vale Description: Alterations & additions to a dwelling house.**

Attached are two letters that we would like for you to submit for the NBLPP tomorrow 3 June 2020 at 1pm. We would appreciate a reply acknowledgment of receipt please and confirmation that you will be dialing us on either 9999 5747 or 0414 797 369

Simone Allan and David  
Allan

160 Narrabeen Park Parade

Mona Vale NSW 2103

0411 72 0084 (David Allan)

0414 797369 ( Simone Allan)

**SUBMISSION TO NORTHERN BEACHES LOCAL PLANNING PANEL  
TO BE HEARD WEDNESDAY 3 JUNE 2020 AT 1.00 PM**

**ITEM 3.3: DA2020/0107 - 103 Narrabeen Park Parade, Mona Vale –  
Alterations and Additions to a Dwelling House**

**Trim File Ref: 2020/312738**

**Attachments: Letter also commissioned by Michael Haynes of BBF Town Planners to support alternative solutions.**

**PURPOSE**

To reiterate objections to DA 2020/0107 to the Northern Beaches Local Planning Panel from neighbour, 160 Narrabeen Park Parade, directly impacted by this proposed development.

**BACKGROUND**

The Northern Beaches Council up until 2015 had restrictions on building heights along that particular section of Narrabeen Park Parade specifically to preserve views from public and private land (Pittwater 21 DCP December 2003).

The height restriction stated that buildings should be 'no higher than the crown of the road adjacent to the property'. The aim of the DCP was to preserve natural scenic views and allow equitable preservation of views/vistas to and from public/private places.

**OBJECTIONS**

The reasons we object to this submission DA 2020/0107 are outlined below:

In particular, the proposed development may breach the following clauses of P21 DCP:

**1. C1.3 View sharing**

- a. "*Public views* and vistas are *protected, maintained* and where possible, enhanced."
- b. "*Building lines and height* are to be sympathetic to the topography at the site and to maintain a reasonable *sharing of views* available from surrounding and nearby properties and those available to the public from nearby public domain areas."
- c. "De facto *building lines* are to be *maintained* to preserve view sharing."

**IMPACT :** The proposed development would greatly impact the vista and ocean views of this part of the Bicentennial Walkway, which has very high day-to-day pedestrian traffic due to the close proximity of the dog park at Robert Dunn Reserve and staff on breaks from the Mona Vale Health Facilities. In addition, there are a large number of pedestrians and athletes who use the Walkway to train and participate in charity events

such as Coastrek, Pub to Pub and other similar events. The streetscape is well known as one of the only places where ocean views can be enjoyed from the street path.

## 2. D14.1 Character as viewed from a public place

- a. "Parking structures are minimised"
- b. "*Garages, carports* and other parking structures must *not be the dominant* site feature when viewed from a public place."
- c. "Parking structures must be located *behind the front building line*....and be no greater in width than 50% of the lot frontage."

**IMPACT** : All the houses on the low side of that section of Narrabeen Park Parade, (16 in total - including recent builds) have been built in accordance and compliant with this DCP, including the recently completed 101 Narrabeen Park Parade (next door) house in 2016 that **was forced by Council to build 3.145 metres below what next door the current 103 Narrabeen Park Parade proposal (DA202/0107) seeks to, and 0.8m below the crown of the road.**

## 3. D14.11 Building envelope

- a. "*Equitable preservation* of views and vistas to and/or from public/private places"
- b. "The *bulk and scale* of the built form is *minimised*"

## 4. D14.2 Scenic protection

- a. "Development shall *minimise any visual impact* on the natural environment when viewed from any waterway, *road* or public reserve."

Finally, the original P21 DCP had a **height restriction (D14.5)** of "*no higher than the crown of the road* adjacent to the property" to preserve "natural scenic views from the Bicentennial Walkway." I believe this building height control was removed in 2014 without sufficient public notification or consultation.

Interestingly on further examination, there remains a control on **front and side fences (D14.15)** which states "shall have a maximum height no higher than the crown of the land....and not obstruct views available from the road."

We have also been shared by the applicant a plan, once this development is approved to build a large carport directly in front of us on 105 Narrabeen Park Parade, as they currently own both properties. We can share those documents that were shared by their architect, James De Soyres with Council if required.

## SUMMARY

The proposed development is unreasonable, represents an unbalanced view sharing outcome and overdevelopment of a sensitive front setback area.

It will result in impacts on the streetscape character and views that are valued by adjoining neighbours and the broader community that use the Bicentennial Walkway.

The proposed development fails to meet Council's planning controls and the merit assessment provisions relating to streetscape, front setback, boundary envelope, scenic protection, and landscape settings. This will set a precedent that will lead ultimately to a corridor of tall buildings, with no sea views along the Bicentennial Pathway for all to enjoy.

Past generations have fought for this, it was supported by Council, why do we have to fight for this again?

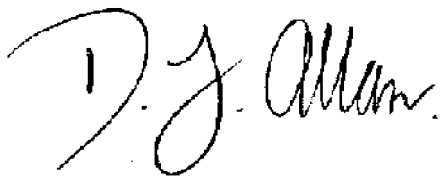
**The proposed development represents an unreasonable enlargement, for which there are design alternatives to achieve car parking provisions and improved access on the site without having such impacts.**

## **RECOMMENDATION**

**The Signees of this submission recommend that DA 2020/0107 be refused. Our Town Planner advisory, BBF Town Planners, have made some suggestions for alternative builds that will allow the provision of car ports, without the heights suggested in this development application. The front setback to the dwelling is approximately 9.5m to 14m and the site is 18.29m wide at the road frontage offering flexibility in the siting of a car parking structure and opportunity to achieve a low height structure with compliant driveway gradients.**

**We are supportive of the applicant identifying private off street parking and there are alternatives available and an entire street of 16 precedents along the street to take example from.**

**Yours Sincerely,**

A handwritten signature in black ink, appearing to read 'D. J. Allan'.

**On behalf of David and Simone Allan**

**160 Narrabeen Park Parade  
Mona Vale NSW 2103**

**Phone: 99995747**

**0414 797 369 (Simone)**

**0411 720 084 (David)**

17 March 2020

The Chief Executive Officer  
Northern Beaches Council  
Attention: Mr Thomas Prosser

## **SUBMISSION TO DA 2020/0107**

### **Impacts at 160 Narrabeen Park Parade, Mona Vale from the proposed alterations and additions at 103 Narrabeen Park Parade, Mona Vale**

BBF Town Planners are instructed by Simone and David Allan, the owners of 160 Narrabeen Park Parade, to make a submission on their behalf in relation to the proposed development.

DA2020/0107 at No. 103 Narrabeen Park Parade proposes the construction of a double carport with storage room underneath, driveway and new access stairs to the street, and lift to service the existing dwelling. The property is opposite my client's land.

I have inspected the subject site from the street and No 160 Narrabeen Park Parade. I have also examined the relevant documents, plans and reports including the Statement of Environmental Effects (SEE) prepared in support of the DA.

The proposed development seeks to make significant changes to the front of the property that will negatively impact upon the highly valued streetscape character including the Bicentennial pathway. It is apparent that many properties along the beach / lower side of Narrabeen Park Parade have sought to minimise the height of their development which has preserved ocean views from the popular coastal walkway. The proposal departs from this pattern and would establish an undesirable precedent for adjoining properties without vehicle access. The following submission summarises my client's concerns in relation to the proposal.

#### **1 Characteristics of the location and my client's property at 160 Narrabeen Park Parade**

My client's property at 160 Narrabeen Park Parade is directly opposite and to the north of the subject site. It is positioned 'upslope' of the site. It accommodates a 2 storey, dwelling within a landscaped setting. The living areas of the home are located at ground level and comprises a south east facing terrace that looks over the subject site. This is the principal private open space on the property that enjoys ocean, beach and headland views and is highly valued by the owners. The rear of the property comprises a garden, swimming pool and covered outdoor dining space, with no Pittwater views, as incorrectly suggested in the DA. *"It is also noted the impacted properties all have principal living areas facing west with water views to Pittwater"* (this is an incorrect statement and should not be considered as there are no views to Pittwater from the property's principal living areas facing west.

The Bicentennial Coastal Walk adjoins the street boundary of the property, from which pedestrians enjoy significant views of Warriewood beach, Turrimetta Headland and the ocean from Narrabeen Park Parade. It is apparent from the DA documents that the proposal will have an adverse impact upon these views however height profiles are needed to make a more accurate assessment of the potential impact.

## **2 Submissions**

### **2.1 Inconsistent of the existing streetscape character**

Properties along the lower, southern side of the street (including the subject site) enjoy uninterrupted, highly valuable, ocean, headland, and beach views. There is a pattern of garages within the front setback. A front setback DCP control of 6.5m is applicable. Whilst this has been exceeded, the exceeding structures have been regularly kept to a low height resulting in views from the road reserve / Bicentennial Coastal Walkway and less visual impact on the streetscape and maintaining the significant coastal views available. Unfortunately, the proposal departs from this pattern in that its height significantly and, in our considered opinion, unnecessarily exceeds the low scale pattern.

The proposal includes retention of the existing 'original' garage, in addition to a two-storey carport with suspended concrete driveway. Result in a dominance of structures within the front setback of a coast front, environmentally sensitive site.

The front setback to the dwelling is approximately 9.5m to 14m and the site is 18.29m wide at the road frontage offering flexibility in the siting of a car parking structure and opportunity to achieve a low height structure with compliant driveway gradients.

The additional and unnecessary height is assessed as being inappropriate on the following grounds:

- Significant negative impact on the streetscape character. The property adjoins a section of the Bicentennial Coastal Walk that is valued for its ocean, beach, and headland views that are enjoyed from the public footpath adjoining the property at Narrabeen Park Parade.
- The undesirable precedent that will be established, noting that the subject site and 3 properties to the north east do not have vehicle access since the Bicentennial pathway was constructed in 2018.



**FIGURE 1 – EXISTING STREETSCEPE CHARACTER AND SIGNIFICANT OCEAN, BEACH, AND HEADLAND VIEWS LOOKING SOUTH EAST (GOOGLE STREETVIEW)**



**FIGURE 2 – EXISTING STREETSCAPE CHARACTER AND SIGNIFICANT OCEAN, BEACH, AND HEADLAND VIEWS LOOKING NORTH EAST (GOOGLE STREETVIEW)**

## **2.2 Notable characteristics of the proposal that are inconsistent with the streetscape**

The following characteristics of the proposal are identified due to the concerns that they raise:

- 2 storey structure, 1.8 m from the front boundary.
- The lower storey, for the purpose of a storeroom, has a floor the ceiling height of approximately 2.560m or a 2.760m height floor-to-floor. We submit that the proposed storage room adds significant and unnecessary height to the structure having regard to the streetscape character, the potential for view impacts, and its closeness to the front boundary. The height of the structure could be lowered, given the generous proportions and area at the street frontage to the property.
- The proposal seeks to retain the existing detached structure located adjacent to the front boundary. We submit that this limits the options for an alternative siting and design that would achieve a lower height structure. It will also result in structures (existing and proposed carparking structures) dominating the streetscape presentation contrary to the controls that seek for landscaping to be the dominant physical and visual elements (Figure 3 below).
- All existing driveways on the beach side of Narrabeen Park Parade, including recent redevelopments, have built driveways and car parking structures below street level. In fact, the neighbouring property (101 Narrabeen Park Parade) was redeveloped within the last 5 years and provides heights below the street level that are worthy of emulating due to their low streetscape impact and the ocean, beach and headland views that are maintained.

## **2.3 Planning objectives relating to streetscape**

Many of Council's planning controls (zoning, built-form, scenic protection, and landscape objectives) that are applicable to the proposal relate to achieving positive streetscape outcomes that the proposal is inconsistent with. A summary of these controls includes:

- Zone objectives which seek to provide development of a low density and scale integrated with the landform and landscape;
- Desired future character statement which seeks for landscaping to be the dominant physical and visual elements of development;



- DCP controls which seek to minimise a structures visual impacts and a balance (or indeed dominance) of landscape elements over built-form include Front Building Setback, Landscaped Area, Boundary Envelope, scenic protection. The proposal does not minimise its visual impact on the streetscape when viewed from the road to.

The proposal's inconsistency with these planning provisions will translate to material negative impacts on adjoining land that are not in the public interest and are avoidable with design modifications.

Furthermore, it appears that the works proposed within the road reserve would requires approval for works and structures under the Roads Act 1993. From our review of the DA documents such an application does not appear to form part of the proposed development, therefore, in our opinion the DA does not have jurisdiction to approve this aspect.

## **2.4 Design alternatives available**

In our opinion there are design alternatives available to address the concerns that have been identified. In order to avoid these impacts, we respectfully submit that the following design changes be required:

- Demolition of the existing 'original' garage. Its removal would increase the proportion of landscaped area at the street frontage, enhance the streetscape, assist in maintaining the existing level of coastal views from the level of the pedestrian path / roadway, retain the established pattern (location and height) of garage structures within the front setbacks on nearby properties.
- Increased gradient of the driveway. The proposed gradient is less than the maximum thresholds, whereas this can be increased and still meet safety requirements. Furthermore, the 18.29m width of the site is generous enough to accommodate a curved driveway and car port entry that faces 90 degrees to the roadway.
- Lower height of the structure, flat metal deck roof in place of the proposed pitched roof, lower floor to ceiling heights (or entire removal of the 'storage room' level under the proposed garage.

For these reasons we respectfully disagree with the comment in the statement of Environmental Effects report where it states: *This application has exhausted all possible outcomes finding that a new DA which incorporates the raising of the slab and the reduction in driveway gradient is the only realistic and balanced outcome.* In our opinion, in its current form, the application is inappropriate and should not be supported by Council.

Further to the above, given the quality and extent of views obtained from this valued public walkway height profiles are requested to enable a more accurate assessment of the potential impact on these views.

## **2.5 Undesirable precedent**

There appears to be approx. 4-5 properties to the north east of the subject site that have a similar circumstance in relation to not having vehicle access as a result of the 2018 public pathway construction. We are also advised that the applicants to the current DA own the adjoining property at 105 and may have similar plans to submit a DA for a car parking structure of a similar character in a similar location should the subject DA be approved and the architects have already shared the proposed plans with my clients.

My clients support the property owners in seeking to resolve vehicle accommodation on their properties. However, they are each likely to rely on an exceedance of the Front Boundary



Setback control. In our opinion the proposal would establish an undesirable precedent like the principles established in *Goldin & Anor v Minister for Transport Administering the Ports Corporatisation and Waterways Management Act 1995* [2002] NSWLEC 75. In the subject circumstances other land holders could in-fact expect to invoke the same provisions and the precedential effect in terms of cumulative impact of a number of such approvals is regarded to be contrary to the streetscape character and therefore as a reason to warrant refusal.

If the subject application is approved, especially given that there are alternatives offered by the size and width of the property, this will undoubtedly assist in establishing a precedent for future applications. If this change to the streetscape pattern were to occur, the seascape vista from the bicentennial pathway along Narrabeen Park Parade will be lost.

### **3 Conclusion**

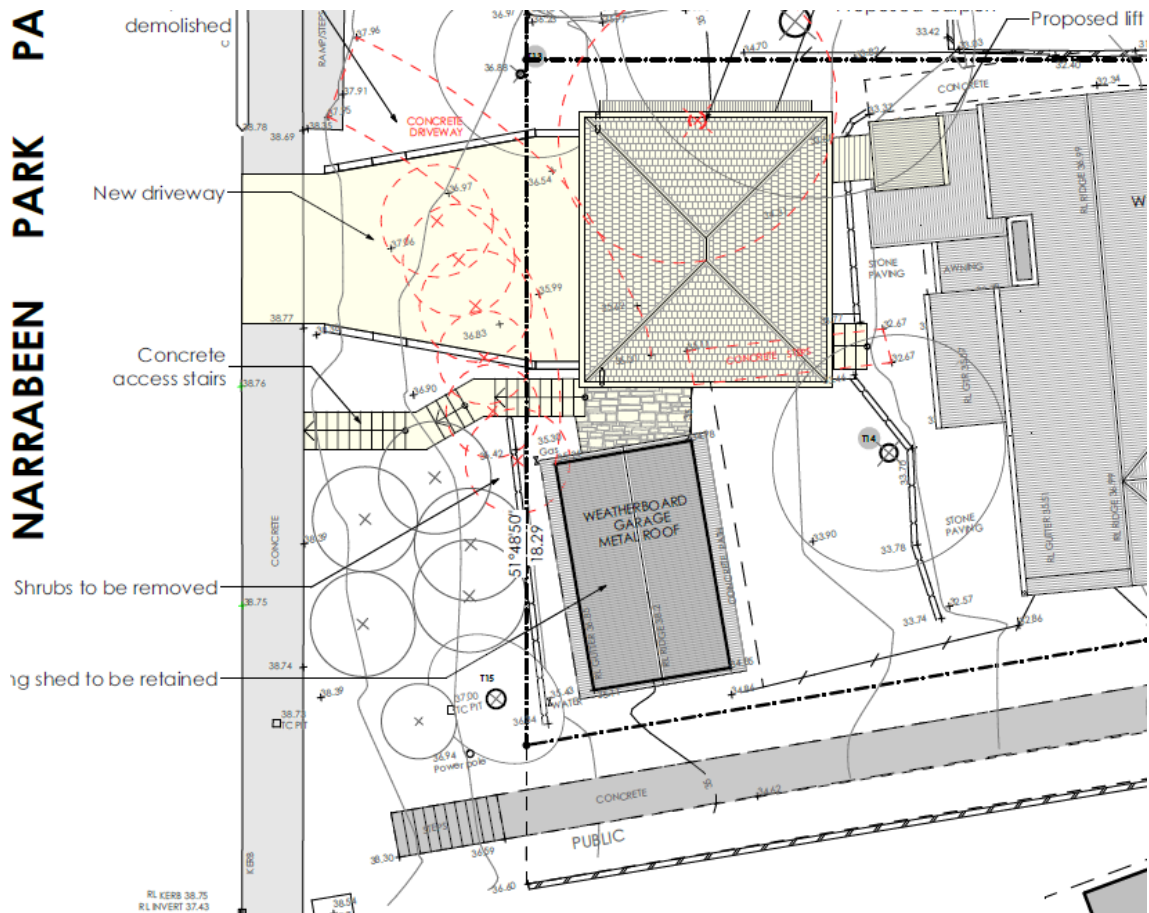
For reasons outlined in this submission, the proposed development is unreasonable and represents an overdevelopment of a sensitive front setback area and streetscape character that is valued by adjoining neighbours and the broader community that use the Bicentennial pathway alike. The proposed development fails to meet Council's planning controls and the merit assessment provisions relating to streetscape, front setback, boundary envelope, scenic protection, and landscape settings.

The proposed development represents an unreasonable enlargement, for which there are design alternatives to achieve car parking provisions and improved access on the site without having such impacts.

Yours sincerely,



Michael Haynes  
**Director - BBF Town Planners**



**Figure 3 - The proposal seeks to retain the existing detached garage structure located adjacent to the front boundary. This limits the options for an alternative siting and design that would achieve a lower height structure. It will also result in structures dominating the streetscape presentation contrary to the planning controls**