

Statement of Environmental Effects

103 Narrabeen Park Parade, Mona Vale

Construction of a double carport, store, access stairs
and lift at 103 Narrabeen Park Parade, Mona Vale

Rob & Selina Nichols





Figure 1: Subject Site Frontage

Client: Rob & Selina Nichols
Project: 103 Narrabeen Park Parade, Mona Vale
Project No: 19-7109
Date: February 2020
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1.0 Executive Summary

1.1 Project Overview

This Statement of Environmental Effects (SEE) is to accompany the plans lodged as part of the development proposal to Northern Beaches Council for construction of a replacement double carport with store underneath, new access stairs and service lift, at 103 Narrabeen Park Parade, Mona Vale.

The statement addresses the relevant elements of Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies, Sydney Regional Environmental Plans, The Regulations and local plans and policies.

1.2 Legislative Requirements

The site is located in the Northern Beaches Local Government Area (LGA) within the E4 Environmental Living Zone. The following state and local legislative controls relate to the proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy – Infrastructure
- Pittwater Local Environmental Plan 2014

1.3 Non-Legislative Requirements

The following Non-Legislative control is applicable to the development:

- Pittwater Development Control Plan 21

1.4 Conclusion

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposal offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct, which is comprised of a varied and eclectic mix of dwelling types.

2.0 Summary

Address of Site: 103 Narrabeen Park Parade, Mona Vale
Local Government: Northern Beaches Council
Real Property Description: Lot 2, DP1692
Area of Site: 798.2sqm
SEPP: State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy – Infrastructure
LEP: Pittwater Local Environmental Plan 2014
DCP: Pittwater Development Control Plan 21
Zone: E4 Environmental Living
Name of Owner: Rob & Selina Nichols
Brief Description / Purpose of Proposal: Construction of a double carport and lift at 103 Narrabeen Park Parade Mona Vale
Staged Development: No
Superseded Planning Scheme Application: No

3.0 Pre-Application / Consultation and History

In 2018 construction of a new footpath and walkway was undertaken by Northern Beaches Council, which affected the entire street frontage of the subject site. This resulted in access being cut off to the driveway due the significant changes to the ground levels at the street front interface. It should also be noted that this popular section of the peninsula exhibits a high demand with respect to on street car parking. This has been significantly exacerbated by the construction of the footpath and inclusion of a ‘no parking zone’ along the eastern side of the road, which has significantly reduced on-street parking by up to half, and has severed on-site parking for many residents, including the subject site.



Figure 1: Regular Bus Route on Narrabeen Park Parade and No standing or stopping on the Eastern kerb.

Discussions were had with Council during this period regarding the continued provision for vehicle access to the site. Despite this, the existing driveway access was never replaced or provided for by council despite repeated assurances from Council officers, up to the date of the concrete pour, that access to the driveway would be provided for.



Figure 2: Pedestrian Access constructed over original driveway for 103 and 105 Narrabeen Park Parade showing resultant interface (Note: the existing driveway access was never replaced or provided for by council despite repeated assurances from Council officers up to the date of the concrete pour that access to the driveway was to be provided for).

Following this, Council correspondence was received on 14 February 2019 via email with regard to the new footpath and walkway along the site frontage. The correspondence indicates the following:

“Following the various site visits and internal reviews Council would like to advise that unfortunately there are very few options available with regard to your current driveway that Council can pursue. Council is unable to construct a non-compliant driveway. The options which may be available to you as the property owner are as follows.

1. *Submit a DA for a new carport with complying access bridge (STCA)*
2. *Demolish existing garage and raise the level of the existing concrete slab to reduce the gradient of the driveway, so that a complying access way could be built.*
3. *Do nothing and utilise street parking as you have been doing previously.**

Council would be happy to listen to any other further proposals; however, the existing situation is a non-complying access way to your property as such there is very little Council can do.”

**It is noted by the owners that the assertion by the council is not accurate and in any case the option suggested is not possible as the owners were previously able to consistently park on the eastern side of the street and use the driveway access as required.*

A pre-lodgement meeting was held on 30 July 2019 at which the following issues were raised with regards to the double carport and associated structures proposed:

- View sharing changes resulting from the carport,
- Lowering of the ground level of the proposed carparks,
- Front Setback of the carport.

These issues raised have been addressed in the proposal’s overall design and as part of this application within the Statement of Environmental Effects.

This proposal responds to the above Council comments and discussions held with neighbouring land owners on 2 October 2019. The proposal looks to allow appropriate and equitable vehicular and pedestrian access to the applicant's property, whilst maintaining a suitable setback to the street and ensuring the resultant built for is located to ensure view sharing opportunities continue for nearby neighbouring properties.

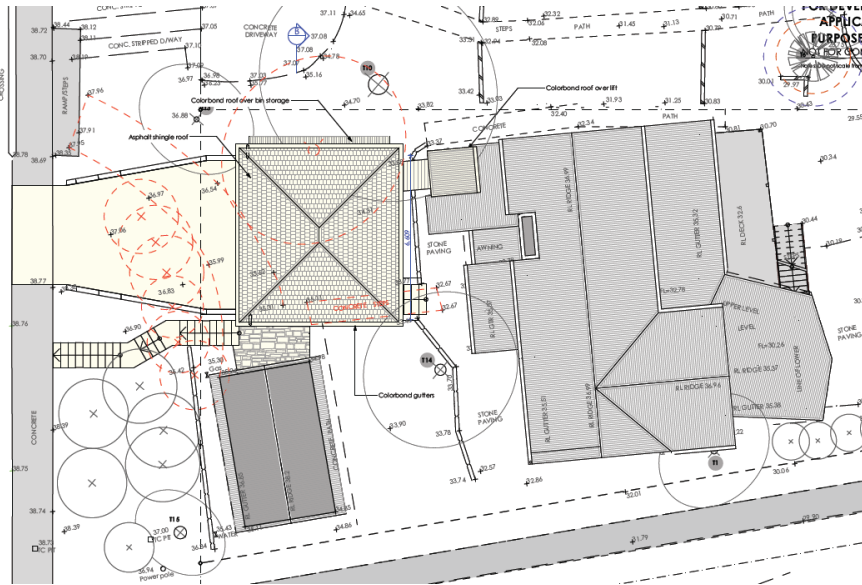


Figure 3: Site Plan Proposal

4.0 Site Information and Analysis

4.1 Physical Description

The subject site is legally known as Lot 2, DP1692 and commonly referred to as 103 Narrabeen Park Parade, Mona Vale. The allotment is irregular in shape with a front boundary width of 13.29m and a rear boundary of 7.97m, whilst the average depth is 61m, equating to a total site area of 798.2sqm.



Figure 4: Permanent View Corridor from the street frontage

The site adjoins a public footpath along the southern boundary creating a permanent view corridor on this side of the allotment. The topography features a severe slope of approximately 30% from west down to east forcing all development toward the western site frontage. The allotment is currently constrained by the newly created footpath constructed by Council, which has significantly hampered any on-site parking solutions.

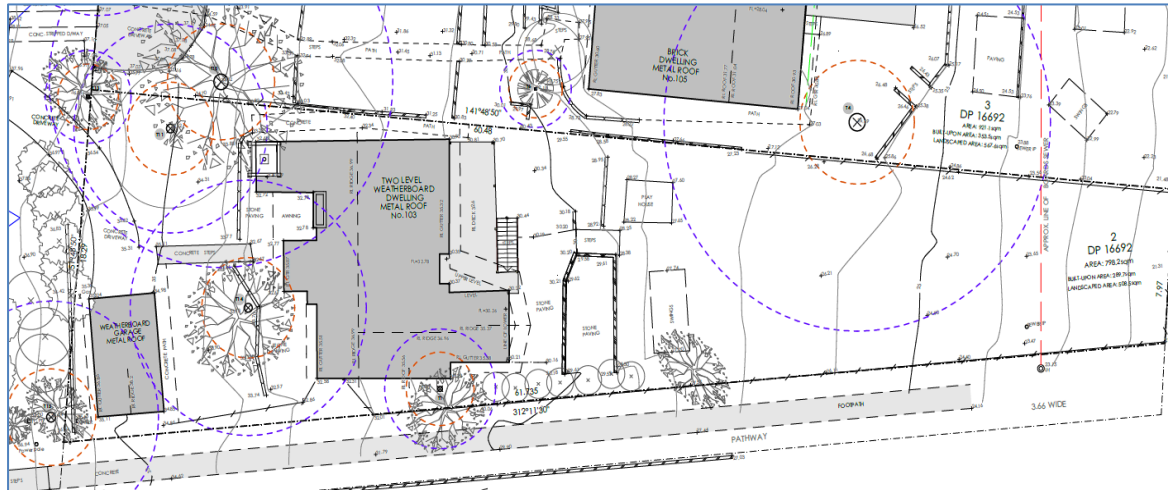


Figure 5: Site Survey

4.2 Existing and Previous Uses

A review of council records indicates the site has been utilised for residential land uses for a significant period.

5.0 Proposal Details

5.1 Description

The applicant seeks approval for 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. No other works are proposed.

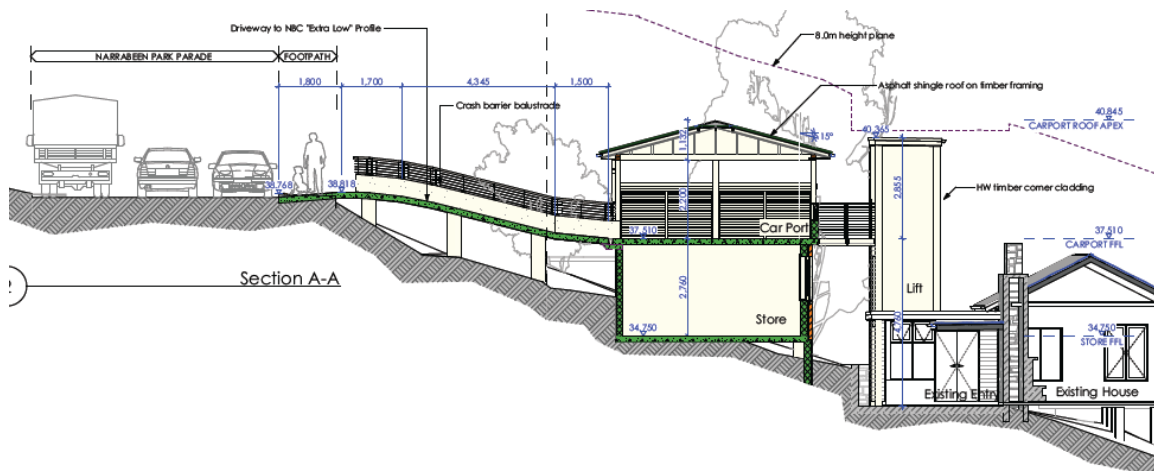


Figure 6: Sections

Noteworthy on this above section within Figure 6 are the artificial ground levels at the site frontage, created by recent council works, and the topography of the site that does not allow for alternative designs or locations for the parking areas.

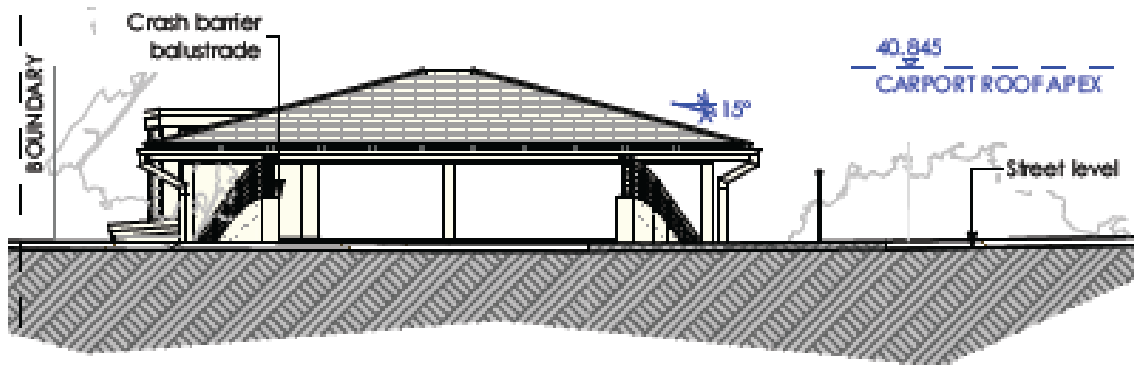


Figure 7: Street view

The proposed parking level is 1.3m below the ground level of the Council footpath and the apex of the roof as shown above is only 2.075m above the ground level of the same footpath.

Further commentary on the built form is provided within the bulk and scale and view sharing assessments within this report.

5.2 Staging

No staging is proposed as part of the proposal.

6.0 Environmental Planning Controls

6.1 Environmental Planning Instruments

6.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 (1)(a) of State Environmental Planning Policy (SEPP 55) Remediation of Land requires consideration whether land is contaminated. A review of council records and an inspection of site attributes indicates that the site has been utilised for residential purposes for a significant period.

In this regard, the works proposed will not result in risks being posed in terms of contamination of land and thus no further consideration is required under the provisions of Clause 7 (1) (b) and (c) of the SEPP. A review of the site indicates there is no evidence contamination and the wider residential locality is well established, the land is suitable for the land use.

6.1.2 Pittwater Local Environmental Plan 2014

PART 1 – PRELIMINARY

1.2 Aims of the Plan

The particular aims of this Plan relevant to the proposal are as follows:

Aim

To promote development in Pittwater that is economically, environmentally and socially sustainable,

Response

The proposal does not have any negative environmental impacts. Regard is shown for the natural environment, including but not limited to the retention of existing vegetation where possible. The built environment will be enhanced by the upgraded elements of the site and will add to the gentrified outlook of this socially stable locale. Furthermore, the improved access to the house through the incorporation of a lift will ensure the development is accessible to all including the mobility impaired.

Aim

To ensure development is consistent with the desired character of Pittwater's localities:

Response

The site is located within the Warriewood Locality. The proposals response to the relevant requirements are as follows:

Requirement

The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.

Response

The ability to access the site and the provision of parking on-site will assist the dwelling to continue to add to the mix of developments within the locality and add to the overall usability of the resource and its longevity.

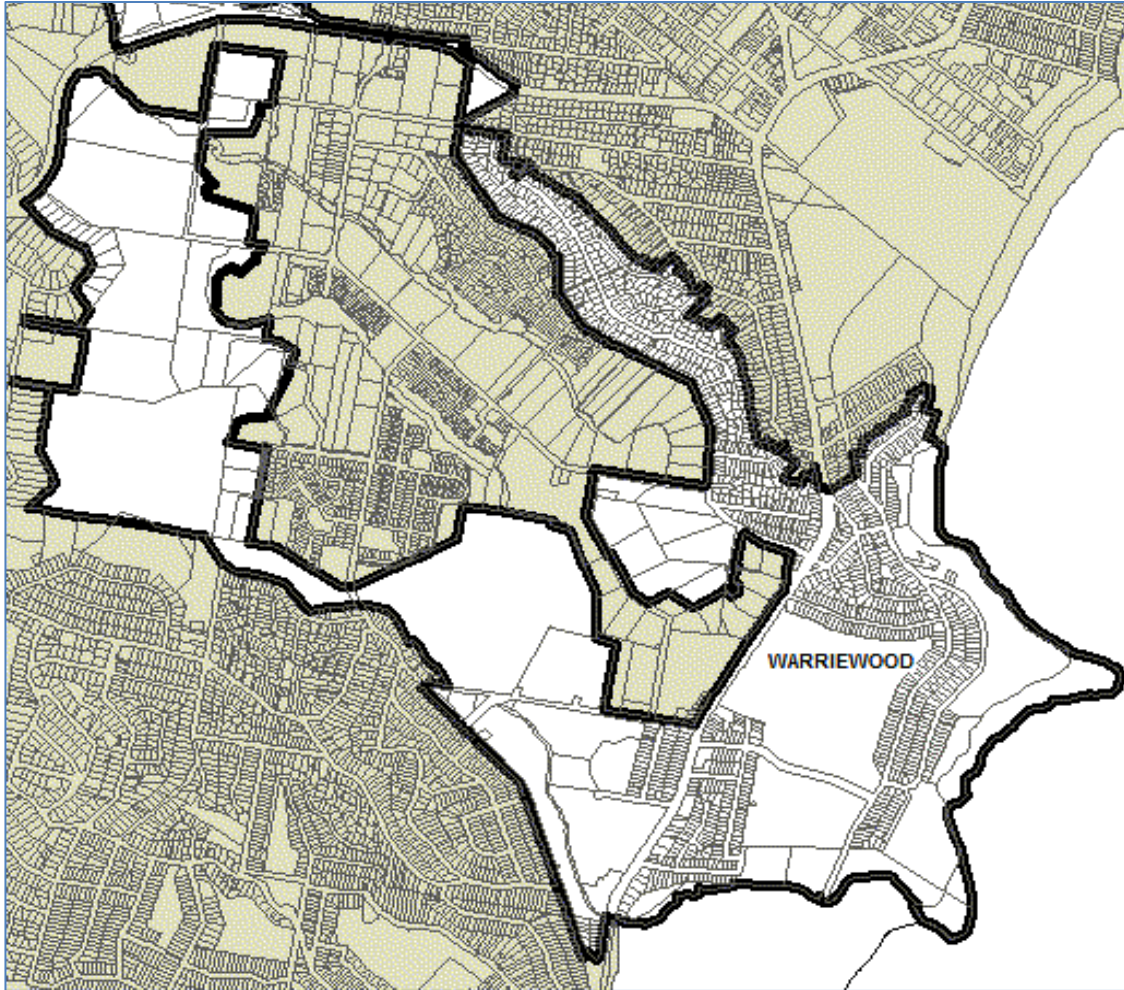


Figure 8: Warriewood Locality

Requirement

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.

Response

There is no change to the current site density as part of this proposal. The two-storey element proposed as part of the carport is a result of the engineering requirements of the elevated driveway and the Council policies with regards to driveway design. The carport and lift are kept as low as possible and are positioned as close to the north east boundary and the cluster of trees as possible whilst considering all possible constraints and view sharing.

The carport and lift are located in the most appropriate position when considering the natural site constraints which are multiplied by the pathway constructed by Council. The options for development of an accessible driveway are extremely limited and when considering the advice from Council regarding raising the concrete slab to accommodate parking, a balance between view sharing and adequate equitable access to the site has been achieved.

Requirement

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.

Response

The proposal does not include a secondary dwelling.

Requirement

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale.

Response

As shown in Figure 9, the development is located as close to the north eastern boundary as possible amongst the cluster of existing trees in order to minimise view impacts and is clearly below the existing treeline, which is increasing in height over time. The proposal complies with this requirement.



Figure 9: Proposed open carport below the treeline

Requirement

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.

Response

The landscape plan provided indicates a softening of the open carport structure with appropriate plantings that will integrate into the carport and stay at an appropriate height to allow for view sharing. Species selection will specifically identify appropriate species to achieve this balance.

Requirement

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.

Response

The development is an appropriate design response to the topographic and surrounding built form environments relating to the site. The allotment is constrained by slope, infrastructure and view sharing requirements. The proposal is the result of various different design propositions, during the pre-lodgement stages of the project and has been found to achieve the most appropriate balance between, environmental, built form and social constraints.

Aim

To encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,

Response

The carport proposed will allow the site to continue to add to the choice of housing in the locality and will add to the various types of accommodation within the community through its extended longevity and upgrade of facilities on-site. In particular, the lift will allow access to the site for the elderly and mobility impaired, encouraging ageing in place.

Aim

To protect and promote the health and well-being of current and future residents of Pittwater.

Response

The proposal further reinforces the high level of wellbeing currently enjoyed within the Warriewood locality.

PART 2 – PERMITTED AND PROHIBITED DEVELOPMENT

Land Use Table

Zone E4 Environmental Living

Objectives of zone

The relevant objectives of the zone are addressed as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

Response

The proposal is for a low impact residential development with extensive landscaping and consideration for the unique attribute of the Warriewood Locality. The proposal is consistent with this objective.

- *To ensure that residential development does not have an adverse effect on those values.*

Response

The proposal is an appropriate fit to the area and considered the ecological, scientific and aesthetic values of the zone.

- *To provide for residential development of a low density and scale integrated with the landform and landscape.*

Response

The proposal shows regard for the natural environment with particular reference to the topography and surrounding built form. The application is consistent with this objective.

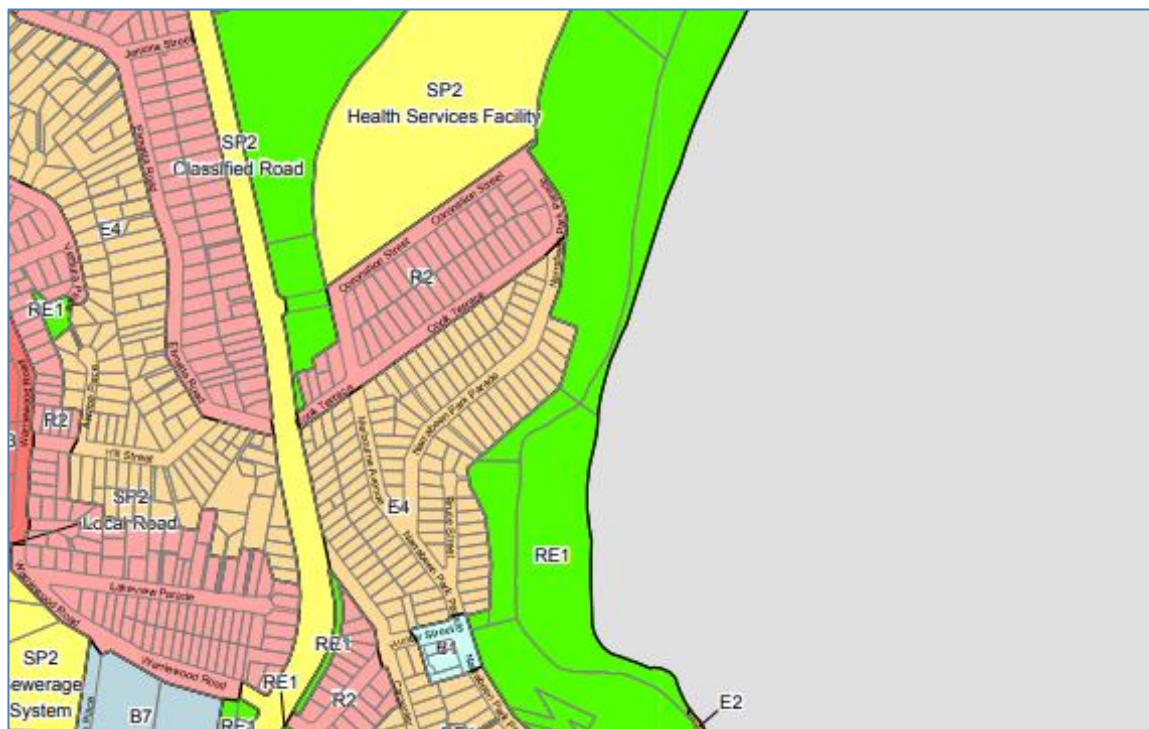


Figure 10; Zone Map

Permitted with consent

The proposal is defined as a **Dwelling House**:

Dwelling House means a building containing only one dwelling.

Note: Dwelling Houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Dwelling Houses are identified as permissible with consent in the E4 environmental Living Zone.

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS (New Works)

Control	Required	Provided	Comment
Minimum Lot Size	550sqm	798.2 sqm	Complies
Building Height	8.0m	7.6m	Complies
Floor Space Ratio	N/A	N/A	N/A

6.2 Development Control Plans

6.2.1 Pittwater 21

Control	Required	Provided	Comment
Front Setback	6.5m	1.9m	Variation Sought
Side Setback North-east	1m/2.5m North	1m	Complies
Side Setback South-west	1m/2.5m South	8.6m	Complies
Side Envelope North-east	3.5m x 45°	Eastern corner of Carport – 500mm outside of envelope Lift – 2.2m outside of envelope	Variation Sought
Side Envelope South-west	3.5m x 45°	Complies	Complies
Rear Setback	6.5m	18m	Complies
Landscaping	50% (399sqm)	63% (508.5sqm)	Complies
Parking	2	2	Complies

Front Setback

The proposal seeks to vary the front building setback by 4.6m due to the 30% slope of the site away from the frontage and footpath structures down to the rear eastern boundary.

To allow council to consider the variation, the following relevant objectives must be demonstrated:

- *Achieve the desired future character of the Locality.*

This has been demonstrated as part of the assessment against the Local Environmental Plan locality statement element within paragraph 6.1.3 of this report.

- *Equitable preservation of views and vistas to and/or from public/private places.*

The location of the carport within the front building setback does not in itself have an impact on the principles of view sharing. In assessing any view sharing questions, it is noted that there is a view corridor on the southern boundary of the subject site, which is provided by a public footpath down to Warriewood Beach. This corridor can never be removed by built form elements as it is public land. It is also noted that the parking pad is below road and path levels at the site frontage.

The variation in the front boundary setback is not the critical element with regard to view sharing, the topography is the primary aspect, constraining the site and thus the footprint of the proposed carport and lift. The elements of view sharing will be examined by applying the four step Planning Principle outlined within *“Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29”*.

- *Vegetation is retained and enhanced to visually reduce the built form.*

The proposal includes a landscape plan indicating a softening of the built form and species selection. The current canopy has species that are detrimental to view sharing, whilst the proposal suitably enhances and increases the vegetation within the site frontage overall, without the utilisation of species that will impact upon view sharing.

- *To preserve and enhance the rural and bushland character of the escarpment and the locality.*

The works are forward of the existing building and the escarpment facing the beach is not visually impacted upon on or reduced in any way.

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

The height of the carport is below the existing tree canopies and below that of existing developments on the high side of the street to the west, maintaining their views. It is also lower than a number of developments to the south of the subject site. The carport is designed to integrate with the proposed landscaping and does not unreasonably visually impact upon this well-established residential locale.

- *To encourage attractive street frontages and improve pedestrian amenity.*

The proposal will upgrade the site frontage and improve visual interest for pedestrians along the newly created council footpath. The public realm will be enhanced due to the reduced canopy and its replacement with vegetation that will not impact view sharing. The proposal has been designed to make the car port structure attractive in its own right through the use of high quality materials with soft textures that blend with the landscape such as the recycled timber framing and asphalt shingle roof, which avoids the appearance of the utilitarian shed like structures that populate the low side of the street.

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

Where the outcomes of this control are achieved, Council may accept variation to these building lines in the following circumstances:

- *considering established building lines;*

The figure below indicates that the established building line will be held by the proposed works:



Figure 11; Established Building Line

The proposal is consistent with the objective.

- *retention of trees and vegetation;*

Vegetation will be enhanced by the proposal and the vegetation will add to the softening of the built form.

- *where it is difficult to achieve acceptable levels for building;*

The difficulty in levels has been exacerbated by the Council constructing a new footpath across the frontage of the subject site. This requires the driveway to be elevated above the slope at the site frontage. This still results however in the parking platform being below the ground level of the footpath at the site frontage. This design takes cognizance of both the natural and man-made constraints to find a balance between off street parking, accessibility and view sharing.

Where car parking is to be provided on steeply sloping sites, reduced or nil setbacks for car parking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable. However, the elements forward of the building line are existing and approved. This fact, together with the topographical constraints both caused by the footpath and site constraints would lend themselves to a less strict adherence to this policy.

Building Envelope

The proposal seeks to vary the required building envelope due to the 30% slope of the site away from the frontage and footpath structures down to the rear eastern boundary.

To allow council to consider the variation, the following relevant objectives must be demonstrated:

- *Achieve the desired future character of the Locality.*

This has been demonstrated as part of the assessment against the Local Environmental Plan locality statement element within paragraph 6.1.3 of this report.

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

The height of the proposed structures, when viewed from the street, or from properties across the street, appear as low rise and are well below the existing tree canopies. They are below that of existing developments on the high side of the street to the west, maintaining their views and is also lower than a number of dwellings located directly to the south. The protrusion outside of the required building envelope is minimal and is in a location that has negligible impacts on the wider views. The carport and lift have been designed to integrate with the proposed landscaping and does not unreasonably visually impact upon this well-established residential locale.

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

The building envelope has been located on the site to ensure minimal disturbance to the ground, minimal impacts to existing views of the coastline, and maintenance of a low rise form that emphasises the key elements of the natural environment.

- *The bulk and scale of the built form is minimised.*

Although the proposed development sits outside of the required building envelope, it has purposely been located as close to the north east boundary as possible and amongst the cluster of existing mature trees in order to minimise view impacts; and as far from the south west boundary, which is where the more valued and less obstructed view corridor exists. As such, the actual bulk and scale of the proposed works is considered appropriate and has been minimised.

- *Equitable preservation of views and vistas to and/or from public/private places.*

Refer to the below section on View Sharing (page 19), which demonstrates that an appropriate and equitable preservation of views and vistas is maintained.

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

Shadow diagrams have been provided and demonstrate that impacts of overshadowing of the adjacent properties to the north east are negligible. The proposed building envelope ensures reasonable setbacks and separation are maintained between the proposed development and adjacent dwellings: solar access is maintained; privacy is maintained through appropriate design, including a solid lift shaft wall on the north east elevation; and retention of mature vegetation between dwellings ensures a high level of amenity and privacy for all properties.

- *Vegetation is retained and enhanced to visually reduce the built form.*

An arborist report has been provided, which confirms the retention of existing vegetation will be possible. This will ensure the retention of mature vegetation around the built form, which will provide a screening effect and visually reduce the built form proposed.

Safety and Security

The proposal achieves adequate levels of passive security and allows for casual views from the existing and proposed developments. Private areas to the street frontages and driveways are afforded appropriate levels of casual surveillance by the proposal.

Solar Access

The proposal provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings. Further, the proposal ensures a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings. The proposal is compliant in this regard.

Visual and Acoustic Privacy and Outlook

The proposal allows for outlooks from the carport and associated private open space whilst providing a solid wall to the NE elevation of the lift shaft to avoid overlooking of 105 and 107 Narrabeen Park Parade. This achieves levels of acoustic and visual privacy that are reasonable for the development. The high level of visual and acoustic privacy is a result of appropriate and thoughtful building design that minimises overlooking into private and public open spaces.

Building Design

The proposal is seen from the street as a single level carport with gardens and landscape elements. All facades incorporate a variety of materials with a mix of styles for the landscape elements. The proposal utilises a range of materials and finishes on every elevation with articulation in the form of broken wall plans and a variety of finishes facing all boundaries are provided.

Private Open Space

The proposed extension to the existing dwelling ensures there is still a minimum of 80sqm and is located to the rear of the house. This will not be impacted by the proposed extensions.

View Sharing

The Pittwater DCP 21 requires for the reasonable sharing of views. In this regard, Council officers have consistently applied the four step Planning Principle outlined within “*Tenacity Consulting v Warringah Council [2004] NSWLEC 140 at 25-29*”.

An assessment of view loss from nearby development has been undertaken with reference to the Views Principle established by the NSW Land and Environment Court as follows:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (for example of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, for example a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment: *The partially obscured views are of the headland from the lower floor entry area. The existing view of the headland is a whole view and the existing view of the ocean is made partial by existing development and vegetation. This view is panoramic from Turimetta Headland to Mona Vale. From the upper level there is what is considered to be more of a whole view with the water and land interface almost fully maintained.*



Figure 12: Existing View Sharing from lower level



Figure 13: Proposed View Sharing from lower level



Figure 14: Existing View Sharing from upper level



Figure 15: Proposed View Sharing from upper level

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment: *The views impacted are obtained from the front of the property and can be currently obtained from standing and sitting level. The proposal would result in a variation to water views with no part of the headland being obscured at standing and sitting level. It should also be noted that the dwellings directly opposite enjoy views to the west as well as the east, although it is conceded that the eastern ocean views are the more favourable. It should also be noted that the dwellings on the opposite curb are well elevated when considering the proposed parking and have balconies on both the upper and lower levels that come directly off living areas.*



Figure 16: Elevated viewing points from dwellings opposite

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20 percent if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment: *As a result of the variation to the water view from one of the living areas, the impact on views for the whole of the property is negligible, given the extensive water, headland and beach views maintained to the north east and south east of the proposed development. It is also noted the impacted properties all have principal living areas facing west with water views to Pittwater. When assessing the impact on views over the whole of the property, the impact appears minimal given the lack of impact on headland and the extensive water views maintained from living areas facing west and maintained views of Pittwater.*

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.



Figure 17: Headland Views Maintained

Comment: *The development is completely compliant in terms of height and the objectives that compliment those controls. The variation to the front setback has no impact upon the view existing. The variation to the building envelope affects only the area where views are already obstructed by trees and has been designed to ensure views of the headland are maximised. The proposal finds an appropriate balance between view sharing, parking and access to a dwelling house.*

6.3 Planning Agreements

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development.

6.4 The Regulations

6.4.1 Division 8A

The consent authority is to consider 'Prescribed conditions' of development consent. This matter may be addressed within any consent documentation.

6.4.2 Clauses 54 and 109

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this clause within the Regulation. No additional information has been requested at the time of writing of the Statement.

6.4.3 Clause 92

The consent authority is to consider AS 2601 – 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.

6.4.4 Clauses 93 and/or 94

The consent authority is to consider the upgrading of a building (including fire safety upgrade of development). This matter may be addressed via a condition of consent.

6.5 The Likely Impacts

Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site and its increased yield allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

Social

The proposal adds to housing stock, allowing for a more diverse accommodation typology within the appropriate E4 Environmental Living Zone. This allows a more diverse population cross section to "settle and stay" within the Northern Beaches LGA. The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative.

The dwelling will continue to fill an existing void and increase the services available to the occupants of dwellings in terms of housing. The proposal adds to the available housing stock within the area and provides opportunities for more varied dwelling choice. By providing off-street parking and lift access to the dwelling, the proposal will allow the occupants to "age in place" and remain in occupation for longer than would otherwise be possible due

to the current street-only parking availability and steep access stairs. The proposal is consistent with the social requirements in these regards.

Economic

The provision of appropriately serviced housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this E4 Zone.

The proposal provides economic benefits that extend beyond the parking. Increased residents in this appropriate zone will add to the economic stability of the area by allowing for residents to live in a locality that is gentrified and economically vibrant. The site is in close proximity to local services and within reasonable distance to local business and upgraded infrastructure. All of these entities will benefit from the employment and economic input provided by the future residents.

6.6 Site Suitability

The site suitability is indicated by the appropriate land use being located within the appropriate E4 Zone. The proposal has demonstrated compliance with all the standards and controls together with a consistency of all underlying objectives of both State and Local controls. The subject site is serviced by existing infrastructure, is easily accessible and is within a gentrified residential area. The proposal is an appropriate fit to the naturally developed character of the locality and will add a further unique land use and housing opportunity within this residential area. The application is considered acceptable with regards to suitability of the site.

6.7 Submissions

The council has stated during the footpath construction that:

“Following the various site visits and internal reviews Council would like to advise that unfortunately there are very few options available with regard to your current driveway that Council can pursue. Council is unable to construct a non-compliant driveway. The options which may be available to you as the property owner are as follows.

1. *Submit a DA for a new carport with complying access bridge (STCA)*
2. *Demolish existing garage and raise the level of the existing concrete slab to reduce the gradient of the driveway, so that a complying access way could be built.*
3. *Do nothing and utilise street parking as you have been doing previously.*

Council would be happy to listen to any other further proposals; however, the existing situation is a non-complying access way to your property as such there is very little Council can do.”

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.

Any view sharing to consider must be weighed between undercover parking for residents in a manner architecturally consistent with that of the site and of surrounding dwellings and negligible view loss. It is our professional opinion that access to private property and

parking in a manner consistent with LEP and DCP controls outweighs any negligible view sharing considerations.

In final analysis, turning to *Arnold v Northern Beaches Council 6 June 2019*, the Court granted leave to rely on amended plans that whilst allowed for the built form to be “seen”, was not considered to impede to an unreasonable level the views enjoyed by adjoining properties, particularly headland sea and sky interface vistas. It is noted that the neighbouring properties have two-way views to both the headland and Pittwater.

In this subject application, the outcome of the proposed carport would achieve a balance, consistent with that of this Court decision, maintaining panoramic views of land, sea and sky, with integrations of all three beneficial elements.

The design location and function of the proposal, is an appropriate response to the man-made and natural constraints of the site and thus, should be approved in their current form.

6.8 The Public Interest

The public interest is serviced by the accommodating of two cars in off street parking in an adequate and equitable manner. The parking is consistent with other parking structures in the street and in this regard, vehicular access to the dwelling far outweighs a negligible view variation. It is also noted that the removal of the two resident cars to the in-site parking creates an availability for two further cars on the street.

7.0 Conclusions and Recommendations

The project, located within suburban Mona Vale, offers a high-quality, flexible, contemporary, residential parking outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings. The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.

Urban Strategies Pty Ltd
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