

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

Construction of a New  
Dwelling

121 Narrabeen Park  
Parade, Mona Vale

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# Statement of Environmental Effects

## Construction of a New Dwelling at 121 Narrabeen Park Parade, Mona Vale

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## TABLE OF CONTENTS

<b>1</b>	<b>Introduction.....</b>	<b>4</b>
<b>2</b>	<b>Site Analysis .....</b>	<b>5</b>
2.1	Site Description and location .....	5
2.1.1	The Site .....	5
2.1.2	The Locality .....	6
<b>3</b>	<b>Description of Proposed Development .....</b>	<b>7</b>
3.1	Details of the proposed development.....	7
<b>4</b>	<b>Statutory Planning Framework .....</b>	<b>8</b>
4.1	Pittwater Local Environmental Plan 2014.....	8
4.1.1	Zoning.....	8
4.1.2	Height of Buildings.....	9
4.1.3	Acid Sulfate Soils.....	10
4.1.4	Earthworks.....	10
4.1.5	Coastal Risk Planning .....	10
4.1.6	Geotechnical Hazards .....	10
4.1.7	Limited development on foreshore area.....	11
4.1.8	Essential Services .....	12
4.2	Pittwater 21 Development Control Plan .....	13
4.2.1	Mona Vale Locality .....	13
4.2.2	DCP Compliance Table .....	14
4.2.3	View Sharing – Analysis.....	22
4.3	State Environmental Planning Policy (Biodiversity and Conservation) 2021 .....	25
4.3.1	Vegetation in non-rural areas .....	25
4.4	State Environmental Planning Policy (Resilience and Hazards) 2021 .....	25
4.5	Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended .....	25
(c)	<i>The suitability of the site for the development.....</i>	<i>28</i>
(d)	<i>Any submissions received in accordance with this act or regulations .....</i>	<i>29</i>
(e)	<i>The public interest .....</i>	<i>29</i>
<b>5</b>	<b>Conclusion .....</b>	<b>30</b>

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared in support of a development application proposing the construction of a new dwelling at 121 Narrabeen Park Parade, Mona Vale.

The proposed new dwelling is a superior architectural design that is appropriately responsive to the constraints of the site, the desired future character of the Mona Vale Locality and with development generally along the coastal escarpment. The proposed new dwelling provides a high level of amenity for future occupants of the dwelling, with minimal impact upon the amenity of adjoining properties and the natural environment.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans by Housed
- Survey by CMS
- Landscape Plans
- Stormwater Management Plans
- Geotechnical Report
- Coastal Report
- BASIX Certificate
- Waste Management Plan

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

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Environmental Planning and Assessment Regulation 2021,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- Pittwater Local Environmental Plan 2014 (**PLEP 2014**), and
- Pittwater 21 Development Control Plan 2012 (**P21 DCP**).

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

## 2 Site Analysis

### 2.1 Site Description and location

#### 2.1.1 The Site

The site has a legal description of Lot 1 in DP 22672 and is commonly referred to as 121 Narrabeen Park Parade, Mona Vale. The site is an irregular shaped allotment with a splayed front boundary and angled rear boundary. The front boundary is measured at 15.24, variable depth of 48.195m to the northern side boundary, 57.62m to the southern side boundary and an 18.9m rear boundary.

An aerial location photograph is at Figure 1 below.



**Figure 1: Aerial photograph of the subject site**

The site is currently development with a single dwelling with a swimming pool. It is located on the headland between Mona Vale and Warriewood Beaches.

The physical and topographical characteristics of the site are depicted on the site survey. The topography drops down from street level with the bulk of the dwelling not readily discernible from the street. The site includes maintained lawned areas and associated landscaped treatments however no significant trees are identified on or within proximity to the dwelling.

The site is located within Geotechnical Hazard and Coastal Risk area and is subject to landslip and bluff/cliff instability.

### 2.1.2 The Locality

The site is zoned C4 Environmental Living under the provisions of PLEP 2014, as shown on the extract of the Zoning Map at Figure 3, on the following page. Land to either side of the subject site, and that on the opposite side of Narrabeen Park Parade is also zoned C4 Environmental Living and comprises dwelling houses of varied architectural style and age. No heritage items are identified within the vicinity.

The sites benefits from its close proximity to public recreation areas with regard to Mona Headland Park, 2 beaches and Mona Vale Golf Club.

### 3 Description of Proposed Development

#### 3.1 Details of the proposed development

The existing dwelling is to be demolished with the swimming pool and landscaping treatments at the rear to be retained. The demolition and construction of the new dwelling is depicted in the architectural plans prepared by Housed Architects. Specifically, this application provides for:

- Construction of a new dwelling comprising:
  - **Level 3 (Upper Level)** - Driveway, double garage with storage, entry, internal stair access, study/bed, bathroom, rear facing deck.
  - **Level 2 (Middle Level)** – Entryway, 3 bedrooms with the main bedroom including a WIR and ensuite, bathroom, family room, internal stair connection. A garden terrace is proposed adjacent the northern side boundary and can be accessed via the 2 bedrooms towards the front boundary and the family room. The main bedroom include a small deck.
  - **Level 1 (Lower Level)** – Open plan kitchen/living/dining which opens out to the rear private open space and pool area. Pantry, laundry, Media Room, powder room. A garden terrace is located adjacent to the north boundary accessed from the media room.
- Landscaping, and
- Infrastructure.

The architectural plans are complemented by a high-quality landscape design, as shown on the Landscape Plans provided.

Stormwater Management Plans demonstrate a suitable water management solution for the site, consistent with Councils' Water Management Policy.

The application is supported by a Geotechnical and Coastal Risk Management Reports that confirms that the proposed works can be constructed to be safe from the geotechnical and coastal hazard that affects the site.

A BASIX Certificate supports the application confirming that the building performs well with regard to sustainability and meets and/or exceeds relevant industry standards.

## 4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the EP&A Act, as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

### 4.1 Pittwater Local Environmental Plan 2014

An assessment of the relevant provisions of PLEP 2014 is undertaken, below.

#### 4.1.1 Zoning

PLEP 2014 applies to the subject site and this development proposal. The subject site is located within the C4 Environmental Living zone and dwelling houses are permissible with consent.

The objectives of the C4 Environmental Living zone are considered as follows:

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

Comment: The proposed development is of a form and scale that is compatible with the surrounding urban environment and is an appropriate contextual fit in the streetscape. The proposal does not result in any adverse impacts upon the natural environment, with a high-quality landscaped outcome that will soften and screen the built form as seen from the public domain.

The application is supported by a Geotechnical and Coastal Reports to confirm that the excavation can be undertaken safely and is appropriate for the subject site.

The extent of excavation is entirely consistent with that associated with contemporary dwellings on sloping sites throughout the Northern Beaches Locality, even those within the C4 zone.

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

Comment: The proposed development is highly articulated and its footprint largely confined to the existing footprint of the dwelling to be demolished. The development is to be finished in earthy tones and materials to ensure that it blends with the surrounding natural environment and will be secondary to surrounding and nearby landscaping. The proposed development is entirely commensurate with surrounding built form and will not have an adverse impact upon the special values of the site.

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

Comment: The proposed development comprises a single dwelling house that is integrated into the slope of the land. The scale of the development is consistent with the desired future character of the Mona Vale Locality and is compatible with surrounding and nearby development.

- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Comment: The proposed development seeks to minimise the net loss of vegetation across the site, with a new integrated landscaping regime.

Council can be satisfied that the proposed works are consistent with the objectives of the zone. Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

#### 4.1.2 Height of Buildings

Pursuant to clause 4.3(2) and the Height of Buildings Map of PLEP 2014, the site has a maximum building height limit of 8m according to the height of building map. The height of the dwelling will be a maximum of 8m and is depicted on the section and elevation drawings provided.

The objectives of this control are considered as follows:

- a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

Comment: The desired future character for the Mona Vale Locality prescribes that development should predominantly be two storeys in height, stepped in response to the fall of the land and maintained below surrounding canopy trees.

The topography of the site severely limits the ability of the dwelling to be strictly 2 storeys however the dwelling includes a stepped form with the central portion extending to 3 storeys. This is consistent with the scale of development within the vicinity.

- b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

Comment: Surrounding dwellings comprise multi-level dwellings that stagger down the slope of the land. The height and scale of the proposed dwelling will be compatible with surrounding development.

- c) *to minimise any overshadowing of neighbouring properties,*

Comment: The application is supported by Shadow Diagrams to confirm that direct sunlight will be retained to the living room windows and areas of private open space of the adjoining dwellings for in excess of 3 hours between 9am and 3pm in midwinter, consistent with the provisions of clause C1.4 of P21 DCP. The proposed development will not result in any unreasonable overshadowing of adjoining properties.

- d) *to allow for the reasonable sharing of views,*

Comment: Views to the east pick up panoramic views of Warriewood and Turimetta Beaches to the south around towards Mona Vale beach to the north. In consideration of the siting of neighbouring dwellings, it is unlikely that the proposed development will result in any unreasonable impacts upon views to the Ocean and downward views to the Warriewood Beach, predominately.

- e) *to encourage buildings that are designed to respond sensitively to the natural topography,*

Comment: The development will largely utilise the existing building footprint for the new dwelling to limit further impacts to existing undisturbed areas on site. Whilst excavation is proposed to accommodate the lower levels, the degree of excavation proposed is not unreasonable and is entirely commensurate with that proposed/approved on other sloping sites within the C4 zone.

The application is accompanied by a geotechnical and coastal reports to confirm that the works can be undertaken safely.

- f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Comment: The subject site does not contain any known items of heritage significance however is in proximity to heritage items. A heritage impact assessment has been provided in that regard.

#### 4.1.3 Acid Sulfate Soils

The site is identified within Class 5 on the Acid Sulfate Soils Map of PLEP 2014. The proposed development does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

#### 4.1.4 Earthworks

The consent authority can be satisfied that the excavation proposed to accommodate the new dwelling will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 7.2 of PLEP 2014. See further discussion with regard to clause 7.7 of PLEP 2014.

#### 4.1.5 Coastal Risk Planning

The site is identified as being located in a coastal risk area with regard to bluff/cliff instability. The application is supported by a coastal risk management report prepared by Horton Coastal Engineers which supports the proposal with regard to the associated risk and has provided recommendation for construction to be adhered to.

#### 4.1.6 Geotechnical Hazards

The site is identified as being within Geotechnical Hazard H1 on the Geotechnical Hazard Map of PLEP 2014. The application is supported by a Geotechnical Risk Management Report that considers each of the matters prescribed by clause 7.7(3) of PLEP 2014, and confirms that the development has been designed, sited and will be constructed to minimise risk, consistent with the provisions of clause 7.7(4) of PLEP 2014.

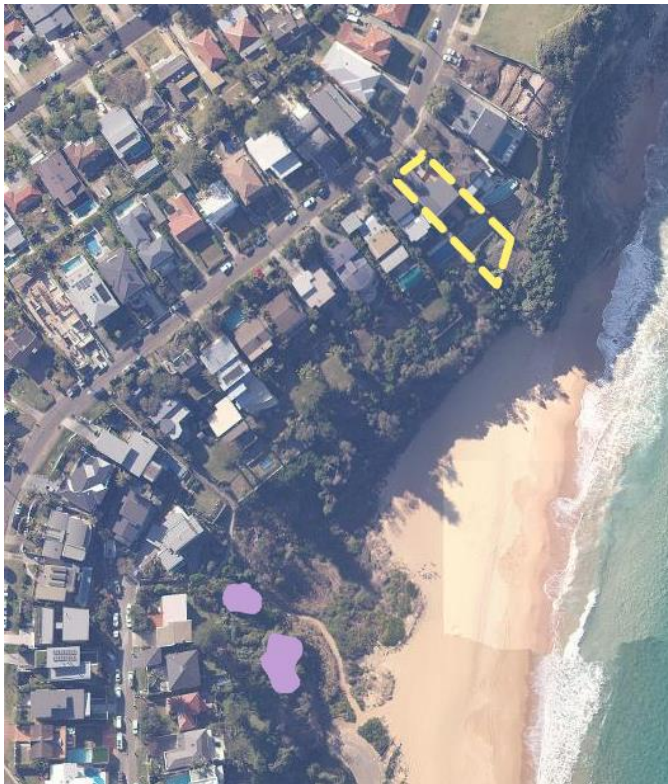
#### 4.1.7 Biodiversity

The subject site is insignificantly mapped as being in a terrestrial biodiversity with the development area significantly distanced from the mapped area. The biodiversity map is provided below:



**Figure 2:** *Terrestrial Biodiversity Map*

The site is even more distanced from the biodiversity value areas as shown on the map below:



**Figure 3:** *Biodiversity values map*

The map shows that the biodiversity area predominately relates to the beach area and vegetation which is significantly distanced from the proposed development. The development area of the site is completely outside the mapped area.

#### 4.1.8 Limited development on foreshore area

The site is subject to a foreshore building line control which is identified on the plans. The objectives of the control 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.*

Certain types of development are permissible within the foreshore building line which are as follows:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,*
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

The dwelling does not encroach within the foreshore building line. The swimming pool on site is existing and the new pool concourse paving to surround is considered to be permissible within the foreshore building line.

A clause 4.6 has been prepared with regard to the new decking to the east of the swimming pool which will sit within the foreshore building line.

#### 4.1.9 Essential Services

Pursuant to clause 7.10 of PLEP 2014, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The consent authority can be satisfied that these services will be available prior to occupation, and if necessary, conditions of consent can be imposed in this regard.

## 4.2 Pittwater 21 Development Control Plan

### 4.2.1 Mona Vale Locality

*The site is located within the Mona Vale Locality, which is described as follows:*

*Strategically positioned at the convergence of routes north to Palm Beach, west to Church Point, and south to Warringah, Mona Vale became the centre of trade and travel in the Pittwater area during the nineteenth century. The Rock Lily Hotel operating from 1886 became a landmark coaching inn where horses were changed and travellers rested. Industries developed among farming settlements and market gardens, including a timber yard in Waratah Street, and blacksmith and boat-building at Winnererremy Bay. From 1947 to 1976, food for Taronga Zoo animals was grown on 40 acres of land in the vicinity of Darley Road, Bassett and Mona Streets. Residential development in the locality increased from the 1950s.*

*Since this time, the locality has developed with a mix of residential, retail/commercial, industrial, recreational, community and educational land uses. Today, Mona Vale centre is the main commercial centre for the Pittwater area.*

*Low-density residential development is built along the valley floor and slopes to the north, south and west of the locality. These areas are characterised by one and two-storey dwelling houses on 680-760 square metre allotments (some blocks may be smaller) to the south, east and north, increasing to 930-1,200 square metres on the valley floor and headland. The residential areas are of a diverse style and architecture, a common thread being the landscaped, treed frontages and subdued external finishes. Medium-density housing adjoins the Mona Vale Commercial Centre on Mona Vale Road, and extends along Darley Street, Park Street, Pittwater Road, Terrol Crescent and Golf Avenue.*

*The locality is serviced by the Mona Vale Commercial Centre, a major commercial, retail and community centre situated at the crossroads of Barrenjoey, Pittwater, and Mona Vale Roads. The Commercial Centre is focused around Mona Vale Village Park, Memorial Hall and Library. A hub of light industrial, automotive and like businesses adjoins the Commercial Centre to the north in the vicinity of Darley Road and Basset Streets. The locality also contains neighbourhood retail centres at the intersect of Pittwater Road and Vineyard Street, the eastern end of Darley Street, and Parkland Road. The locality also contains the Mona Vale Hospital, Mona Vale Primary School, Sacred Heart Catholic Primary School, Pittwater High School, Mona Vale Hotel, Mona Vale SLSC, Mona Vale library, Pittwater Council offices, community centre, cemetery, police station, fire station, and bus depot, and recreational facilities including Mona Vale Golf Course, Bayview Golf Course, Mona Vale Bowling Club, skateboard ramp, beaches and several reserves.*

*The facade of the Rock Lily Hotel, houses, and structures in the vicinity of Darley Street, Grandview Parade, Maxwell Street, Mona Street, Orana Road, Park Street, and Pittwater Road, indicative of early settlement in the locality and historical context as a focal point in Pittwater, have been identified as heritage items.*

*The locality is characterised by a large valley floor to the coast in the east, and ridgelines to*

*the north, southwest and northwest. Due to the topography, some significant views can be obtained to the north and east. Conversely, the slopes of the locality are visually prominent.*

*Much of the natural vegetation has been removed and replaced with non-indigenous species, although some remnant species, in particular canopy trees, are evident.*

*The natural features of the locality result in a high risk of bushfire, landslip, flood, coastline (beach) hazards, and estuary wave action and tidal inundation*

*The major roads within the locality are Barrenjoey Road, Pittwater Road, Mona Vale Road, and Samuel Street. Barrenjoey Road, Pittwater Road, and Mona Vale Road are major links with land to the north, west and south. Several pedestrian links and pathways exist within the locality, including on the headland and Winnererremy Bay.*

#### 4.2.2 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the P21 DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
<b>Part B General Controls</b>			
<b>B3.1 Landslip Hazard</b>	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report and is consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
<b>Coastline (Bluff) Hazard B3.4</b>	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater	A coastal risk management report has been provided with regard to bluff/cliff instability. The report is consistent with Geotechnical Risk Management Policy for Pittwater	Yes
<b>Flora and Fauna Conservation B4.1</b>	The long-term viability of locally native flora and fauna and their habitats	The works are entirely outside of the mapped biodiversity area within the LEP and not within close proximity to the	Yes

Control	Requirement	Proposed	Compliance
	in the Pittwater Local Government Area	<p>Biodiversity values area either.</p> <p>The works will seek an enhancement of site with regard to landscaping. The dwelling will sit largely within the existing developed area on site resulting in no additional impacts to the flora and fauna of the local area.</p>	
<b>B5.15 Water Management</b>	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	The application is accompanied by Stormwater Management Plans which demonstrate consistency with Council's Water Management for Development Policy.	Yes
<b>B6.1 Access Driveways and Works on the Public Road Reserve</b>	Access Driveways include the driveway pavements, gutter crossings, supporting retaining walls, suspended slabs and related structures located on the public road reserve between the road edge and property boundary as illustrated in Appendix 10 -Driveway Profiles.	The proposed driveway has been designed in accordance with Council's driveway profiles.	Yes
<b>B6.2 Internal Driveways</b>	The design of all internal driveways and ramps shall be in accordance with the current edition of the following Australian Standard AS/NZS 2890.1-2004: Parking	The proposed driveway has been designed in accordance with the relevant provisions of AS2890.1.	Yes

Control	Requirement	Proposed	Compliance
	Facilities - Off-Street Car Parking.		
<b>B6.3 Off-Street Vehicle and Parking Requirements</b>	2 spaces (minimum)	2 spaces. Double garage proposed.	Yes
<b>B8.1 Construction and Demolition - Excavation</b>	All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	The application is supported by a Geotechnical Risk Management Report is consistent with Council's Geotechnical Risk Management Policy for Pittwater.	Yes
<b>B8.3 Construction and Demolition – Waste Minimisation</b>	Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	The application is supported by a Construction and Demolition Waste Management Plan.	Yes
<b>C1 Design Criteria for Residential Development</b>			
<b>C1.1 Landscaping</b>	<p>A built form softened and complemented by landscaping.</p> <p>Landscaping that reflects the scale and form of development.</p>	<p>The proposed development will result in a high-quality landscaped outcome across the site, as detailed in the accompanying Landscape Plans. Landscaping enhancements towards the front of the site are proposed which will soften the built form when viewed from the street.</p> <p>The existing landscaping at the rear is to be retained.</p>	Yes

Control	Requirement	Proposed	Compliance
<b>C1.2 Safety and Security</b>	The development is to be designed in accordance with the four CPTED principles.	The dwelling house provides appropriate casual surveillance of the street.	Yes
<b>C1.3 Views</b>	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>It is anticipated that the siting of the new dwelling will not result in any unreasonable impacts to views obtained from neighbouring dwelling. The dwelling generally retains its footprint with generous side setbacks and well behind the foreshore building line which speaks to the reasonableness of the proposal with regard to views accessed across the side boundary from adjoining properties.</p> <p>It is anticipated that further view analysis will be required throughout the assessment process however view analysis against the <i>Tenacity vs Warringah Council</i> view sharing planning principle has been provided at the end of this table.</p>	Yes
<b>C1.4 Solar Access</b>	The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.	The application is supported by Shadow Diagrams to confirm that direct sunlight will be retained to the living room windows and areas of private open space of the adjoining dwellings for more than 3 hours between 9am and 3pm in midwinter, consistent with the provisions of this clause.	Yes

Control	Requirement	Proposed	Compliance
	Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).	Furthermore, the living room windows and areas of private open space of the proposed development will receive in excess of 3 hours of direct sunlight between 9am and 3pm in midwinter.	
<b>C1.5 Visual Privacy</b>	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation (measured from a height of 1.7 metres above floor level).	<p>The proposed development comprises integrated landscape planters and privacy screens, where required.</p> <p>Generous side setbacks provide for excellent spatial separation from neighbouring dwelling which assists in mitigating privacy impacts. This will be an improvement to the privacy of neighbours with the existing balconies no longer being directly adjacent to each other.</p> <p>The proposed development achieves an appropriate balance between the obtainment of views and privacy between properties. It is noted that in areas where there are superior view outlooks some privacy is traded to share the views available.</p>	Yes

Control	Requirement	Proposed	Compliance
<b>C1.6 Acoustic Privacy</b>	Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.	The proposed development is unlikely to result in any adverse acoustic privacy impacts above that of a typical residential dwelling.	Yes
<b>C1.7 Private Open Space</b>	Minimum 80m <sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres.	More than 80m <sup>2</sup> of private open space is provided across the site.	Yes
<b>C1.17 Swimming Pool Safety</b>	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations.	The swimming pool is existing and consistent with the Swimming Pools Act 1992 and regulations.	Yes
<b>Part D1 Mona Vale Locality</b>			
<b>D9.1 Character as viewed from a public place</b>	The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements that are compatible with any design themes existing in the immediate vicinity. Blank facades that front	<p>The proposed development is highly articulated and incorporates a palette of natural materials and finishes which will enable the development to blend into the reserve which forms a backdrop to the site.</p> <p>The existing development includes a garage that sits with a nil front setback which will be demolished. The new</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>public places are not supported.</p> <p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p>	<p>garage will have a compliant front setback which facilitates more soft landscaping opportunities forward of the building. This will be an improvement to the streetscape character when viewed from the street.</p> <p>The proposed structures are appropriately integrated into the slope of the land with landscaping introduced to the structure to assist in minimising visual bulk.</p> <p>The width of the garage does not exceed 50% of the lot frontage and will not be excessive or overly dominant in the streetscape due to the topography dropping from street level.</p>	
<b>D9.2 Building Colours</b>	Dark and earthy tones	The proposed development incorporates natural materials and finishes to blend with the surrounding natural environment.	Yes
<b>D9.6 Front Building Line</b>	6.5m	<p>The upper level setback to the garage is consistent with the 6.5m front setback.</p> <p>Beneath the driveway is proposed to be guest accommodation and will sit within the 6.5m front setback. This non-compliance does not result in any adverse amenity impacts with regard to amenity impacts, streetscape</p>	No, Acceptable on merit

Control	Requirement	Proposed	Compliance
		impacts or impact on landscaping opportunities within the front setback.	
<b>D9.7 Side and Rear Building Lines</b>	<p>1m to one side, 2.5m to the other.</p> <p>FBL applies</p>	<p>Variable side setbacks are included which generally exceed the minimum requirements at every level.</p> <p>Consistent with the foreshore building line.</p>	Yes
<b>D9.9 Building envelope</b>	<p>Development is to be maintained below planes projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.</p>	<p>The design has provided an upper level that is stepped in from the side boundaries which achieve a high standard of compliance with the building envelope control for a sloping site.</p> <p>The 3 cross section drawings provided demonstrate general compliance with the clause. Section 02 shows a minor encroachment of the corner of the parapet roof to the southern elevation which is considered negligible.</p> <p>The dwelling is compliant with the 8m development standard, provides generous side setbacks and a highly articulated built form. In this regard, the proposal is not unreasonable with regard to its bulk and scale.</p> <p>Furthermore, the non-compliance of the parapet roof does not result in any unreasonable or adverse impacts upon the amenity of adjoining properties, in</p>	No, Negligible encroachment

Control	Requirement	Proposed	Compliance
		particular with regard to views.	
<b>D1.14 Landscaped Area – Environmentally Sensitive Land</b>	60% minimum	65%	Yes

### 4.2.3 View Sharing – Analysis

All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties. The view sharing outcome is determined against the planning principle *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*.

#### Step 1 – Assessment of views to be affected

The judgement held that water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views.

The views obtained from 123 Narrabeen Park Parade towards Warriewood Beach is not anticipated to impact on the water views nor the land and water interface. The district views of the developments along the headland will be impacted.

No. 119 accesses views towards the north however that dwelling is orientated towards Warriewood beach and is their primacy view aspect.

Views obtained from the high side of the road are anticipated to be unaffected by the development.

#### Step 2 – Consider from what part of the property the views are obtained

The existing view obtained from No. 123 balcony is provided below. It is unclear at this stage about the internal areas where views may be accessed. The proposed dwelling has been overlayed on a photo taken from No. 123 balcony that demonstrates that only the view of the development along the cliff will be impacted.



EXISTING OUTLOOK FROM 123 NARRABEEN PARK PARADE LOOKING SOUTH



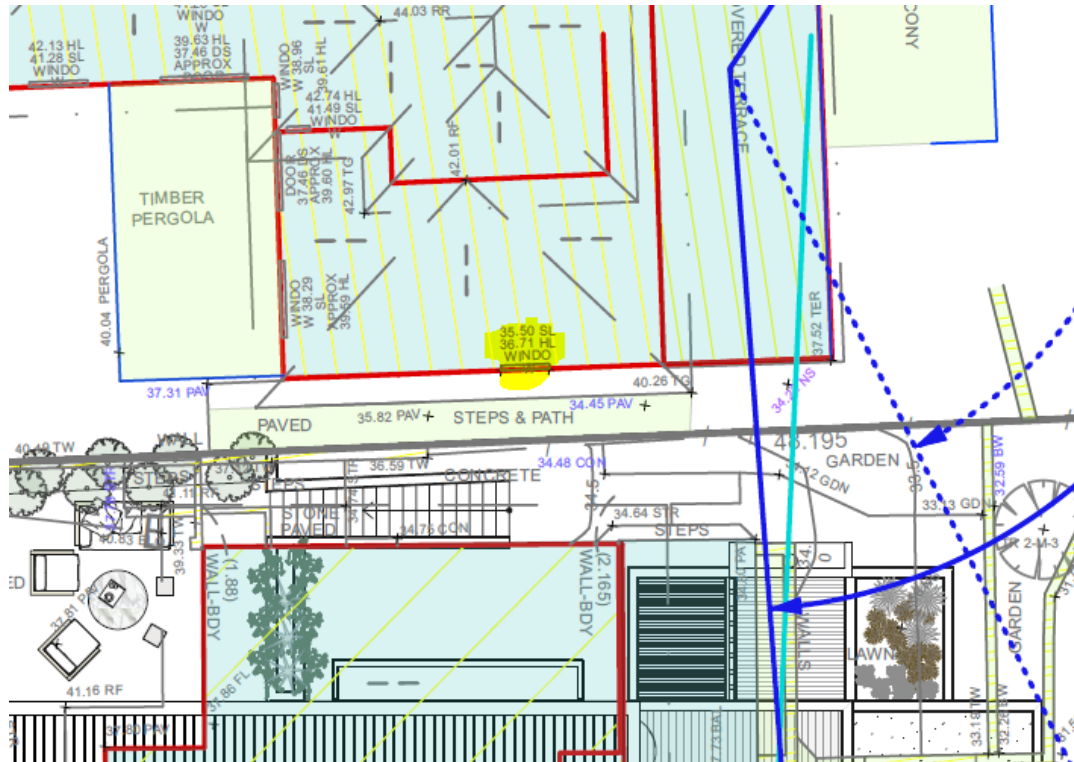
PROPOSED OUTLOOK FROM 123 NARRABEEN PARK PARADE LOOKING SOUTH

### ***View analysis from Balcony of 123 Narrabeen Park Parade***

No. 119 takes their views from the rear of the site from balconies and windows. It is unclear about views obtained to the north from within the dwelling. The views are accessed across the side boundary.

### **Step 3 – To assess the extent of the impact**

As shown in the image above, the views obtained from the balcony of No. 123 and area across the side boundary. That view will have no impact on the valuable water views and the land/water interface. There is only 1 south facing window, shown below, and it is considered no significant views are accessed from here nor is there a reasonable expectation to retain any view from here.



**Figure 4:** Adjoining south facing window

No. 119 is not anticipated to experience any significant view loss towards the north

#### **Step 4 – To assess the reasonableness of the proposal that is causing the impact**

As detailed in this report, the proposal is considered reasonable and generally in conformity with the built form controls as they reasonably apply. The development is consistent with the height of buildings development standard, provides generous side setbacks, compliance with the building envelope with the exception of a minor corner of the parapet roof and with landscaped area. The development generally maintains the building footprint and rear alignment of the existing dwelling which further assists in limiting view impacts.

The proposal is considered reasonable in this instance.

### 4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### 4.3.1 Vegetation in non-rural areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposal is supported with a landscape plan which will see enhancement of grasses, shrubs and trees across the site. This will contribute positively to the biodiversity of the local area.

### 4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

The site is mapped as being subject to this State Environmental Planning Policy which relate to coastal environmental and coast use areas.

This application is support by a coastal risk assessment prepared by Horton Coastal Engineering which addresses clauses 2.10 through to 2.13. The report concludes that the proposed development satisfies the requirements of the SEPP (Resilience and Hazards) 2021

### 4.5 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

(ii) *Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

(iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

(iiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

- (iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

- (v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

#### *Context and Setting*

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

#### *Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

#### *Public Domain*

The proposed development will have no adverse impact on the public domain.

#### *Utilities*

This matter has been discussed in detail in the body of this report.

#### *Flora and Fauna*

The proposal will not result in any unreasonable impacts upon flora and fauna.

#### *Waste Collection*

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors.

#### *Natural hazards*

The application is supported by technical reports addressing the natural hazards that affect the site.

#### *Economic Impact in the locality*

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

#### *Site Design and Internal Design*

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*

- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### *Construction*

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*

- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

*(d) Any submissions received in accordance with this act or regulations*

It is envisaged that Council will appropriately consider any submissions received during the notification period.

*(e) The public interest*

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

## 5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The proposed development responds positively to the desired future character of the Mona Vale Locality and is appropriately located on the site. The works will provide a high level of amenity for occupants of the dwelling, without any adverse impacts upon the amenity of adjoining residences or the natural environment.

The identified non-compliances with the front setback and minor building envelope controls have been acknowledged and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.

**Boston Blyth Fleming Pty Limited**

**William Fleming**

**Director**