

---

**Sent:** 28/01/2022 1:38:06 PM  
**Subject:** DA 2021/2383 - 4 BANGALOW AVENUE MONA VALE  
**Attachments:** 4 BANGALOW AVENUE LETTER TO COUNCIL 28 JAN 2022.pdf;

ATTN MR THOMAS PROSSER,

Please see attached submission in response to the notification of DA 2021/2383 on behalf of the owners of 6 Bangalow Avenue Mona Vale.

Kind regards

**LANCE DOYLE**

B.AppSc (UWS), M.Plan (UTS), RPIA, EPLA

**REGISTERED PLANNER**

0414747395

**DOYLE CONSULTING GROUP**



# Doyle Consulting Group

Planning and Development Services

ABN: 55278784425

Lance@doyleconsulting.com.au

Mob 0414747395

28<sup>th</sup> January 2022

The General Manager

Northern Beaches Council

Email; [Council@Northernbeaches.nsw.gov.au](mailto:Council@Northernbeaches.nsw.gov.au)

ATTN MR THOMAS PROSSER

**DA 2021/2383 - Alterations and additions to residential development -  
Alterations and additions to a dwelling house**

**4 BANGALOW AVENUE MONA VALE**

Dear Sir,

I am writing to you on behalf of the McCoy family of 6 Bangalow Avenue in response to Councils recent notification of the above Development Application.

Firstly, thank you for the opportunity to meet with you at my clients property this week to discuss the proposal and to enable you to gain an understanding of the potential impacts on the enjoyment of 6 Bangalow Avenue by the current occupants, Mr and Mrs McCoy and family.

The salient issues relating to the proposal are as follows –

**THE PROPOSAL CANNOT CORRECTLY BE REGARDED AS ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING**

The extent of demolition of the existing structures on the subject site is such that the proposal falls outside the adopted Planning Principle for determining whether or not the proposal is for alterations and additions or requires a Development Application for a new dwelling as expressed within *Coorey v Municipality of Hunters Hill [2013] NSWLEC 1187*.

The following is an assessment of the proposal under the Qualitative and Quantitative criteria under the above Planning Principle –

### **Qualitative issues**

*How is the appearance of the existing building to be changed when viewed from public places?*

**The proposal as evidenced in the following extracts from the submitted plans clearly indicates the significant extent of change of appearance that will occur as a consequence of the proposed works.**



**EXTRACT FROM SUBMITTED PLANS SHOWING SUBSTANTIAL CHANGES TO THE APPEARANCE OF THE ON-SITE STRUCTURES**

*To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?*

**Numerically, the proposal provides for additional landscaping however this is due to the removal of a substantial area of paving which is not visible from Bangalow Avenue along with the removal of a paved driveway accessing the component of the existing dwelling described as a “workshop”.**

*To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?*

**The subject proposal is not located within a heritage conservation area nor is the subject site identified as a heritage item.**

*What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?*

**The upper level of the attached “workshop” is to be demolished and the roof raised by approximately 2.48 m.**

*What is the extent, if any, of any proposed change to the use of the building?*

**Although not specifically designated within the submitted documentation, the proposal by virtue of the provision of an additional storey over two of the associated structures will potentially result in a significant change to the uses of the site.**

*To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?*

**The streetscape of this part of Bangalow Avenue will be significantly altered as evidenced in the earlier extract from the submitted plans.**

*To what extent, if any, are the existing access arrangements for the building proposed to be altered?*

**The proposal will result in significant alterations to the existing access arrangements by the deletion of an existing driveway serving a structure designated as a “workshop”.**

*To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development?*

**Again, referring to the earlier extract from the submitted plans, it is readily evident that the outlook from within the existing building will be substantially altered by the deletion of an upper level balcony and its replacement with additional floor area and the provision of two gable ended roof structures thereby entirely changing the outlook from within the existing building.**

*Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?*

**It is readily evident that the proposed demolition and replacement structure will result in an entire change in the characteristics of the form of the existing structure.**

### **Quantitative issues**

*To what extent is the site coverage proposed to be changed?*

**As the proposal relies upon the removal of a significant paved area and its replacement with the building footprint together with the removal of an existing driveway, numerically however according to the Statement of Environmental Effects, the proposal with a landscaped area of 47.64% still remains below the 50% minimum landscaped area requirement despite the Statement advising that the proposal is compliant with the control.**

*To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?*

**The existing structures on the subject site are compliant with requisite standards for height, front and side boundary setbacks. The existing rear setback is, and will remain non compliant with the requisite standard, further illustrating the excessive resultant bulk. however due to the extensive paved area outside the building footprint, the proposal will numerically result in an increase landscaped area, however, will remain non-compliant.**

*To what extent is the building envelope proposed to be changed?*

**The height of the existing dwelling is noted on the submitted survey plan as 11.14 m to the ridge with the submitted plans showing an increase in the roof height of the dwelling to 12.65 m, an increase of approximately 1.5 m.**

**The height of the existing garage structure on the subject site is shown on the survey plan as 8.46 m with the proposed roof height of 10.82 m, a height increase of 2.36 m.**

**The height of the existing structure described as a "workshop" as 8.99 m on the survey plan is proposed to be increased to a finished ridge height of 11.47 m, an increase of 2.48 m.**

**The building footprint is proposed to be extended by an area of approximately 50 m<sup>2</sup> bringing the external wall to within 1.2 m of the side boundary, significantly changed from the existing setback of around 5 m.**

**Overall, the proposal will result in a completed built form that is substantially different to the existing built form and footprint.**

*To what extent are boundary setbacks proposed to be changed?*

**As stated in the previous response, the side boundary setback is to be changed from 4.99 m to 1.175 m, a significant decrease in setbacks by any measure.**

*To what extent will the present numerical degree of landscaping on the site be changed?*

**The numerical degree of landscaping will be increased by the removal of an area of paving (to be replaced by built form) and the removal of an existing driveway to be replaced with landscaping. Notwithstanding this numerical improvement, the proposal is still non-compliant with the DCP standard.**

*To what extent will the existing floor space ratio be altered?*

**Although the subject site is not subject to a floor space ratio control, the submitted plans advise that the existing gross floor area of 91.51 m<sup>2</sup> (excluding storage) will be more than doubled to a new gross floor area of 184.58 m<sup>2</sup>, a significant extent.**

*To what extent will there be changes in the roof form?*

**The changes to the roof form as described in earlier paragraphs of this response are significant and range between 1.50 m in height and 2.48 m in height. This height increase when coupled with the substantially increase in building footprint, and introduction of gabled roof profile, results in a significant change to the roof form and results in a completed proposal with entirely different characteristics to the existing structure.**

*To what extent will there be alterations to car parking/garaging on the site and/or within the building?*

**The proposal does not result in any increase or decrease to car parking/garaging on the site. (the removal of the driveway reduces the on-site car parking capacity)**

*To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?*

**Landform changes are minimal.**

*What relationship does the proportion of the retained building bear to the proposed new development?*

**The proposal, with an increase in height of up to 2.46 m in some parts, substantial decreases in boundary setbacks and a doubling of the gross floor area together with an entirely different architectural form and palette of materials will be of little relationship to the existing building.**

#### **INACCURATE DESCRIPTION OF EXISTING DWELLING**

The following extract from realestate.com is at odds with the submitted DA plans as the DA plans describe the front area of the dwelling as a workshop with a storage area over whilst the extract below describes the area as a "self serviced contained flat" with a bedroom over.

My search of Council records for the subject site revealed a number of approved plans, none of which contained any reference to a secondary dwelling/workshop or studio.

# 4 Bangalow Avenue, Mona Vale



Site Plan





**EXTRACT FROM REAL ESTATE ADVERTISEMENT SHOWING AREA DESCRIBED AS  
“WORKSHOP” IN SUBMITTED PLANS**

**IMPACT UPON SOLAR ACCESS**

The proposal if constructed will result in a significant impact upon the current level of solar access to the areas of private open space and associated living areas at 6 Bangalow Avenue.

The potential impacts upon solar access to my clients property are, by any measure unreasonable primarily due to the fact that the proposal fails the test of reasonableness.

In this regard, whilst recognising the proposal is compliant with the building height control, the proposed increase in height of between 1.5 and up to 2.4 m over the existing height with a proposed ceiling height in the order of 5.3 m cannot be regarded as reasonable.

The significant roof height increase coupled with a significant reduction of the side boundary setback from almost 5 m to approximately 1.1 m when coupled with the non-compliance with the Building Envelope Control is not worthy of favourable consideration.

The Outcomes sought by the Building Envelope control under part D9 .9 of the DCP are given little or no regard by the proposal is a proposal does not minimise the bulk and scale of the built form, provide equitable presentation of views and vistas to and/or from public/private places, does not seek to

ensure a reasonable level of amenity and solar access is provided within the development site and maintained to residential properties as expressed within the control and as such is not worthy of support.

## **IMPACT UPON VIEW SHARING**

Firstly, the proposal does not address the requirements under C5 .4 View Sharing of the DCP in that the proposal does not provide an assessment of the views available from the property, and views from other properties and public domain areas which may be affected by the proposal nor does the submitted proposal provide an analysis of any view loss and explanation of the design features.

Following on from your site visit to 6 Bangalow Avenue recently, I am providing a critique of the proposal in accordance with the adopted provisions of *Tenacity v Warringah Council* as follows –

*26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg 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, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The views to be affected are the views available from the upper living area of 6 Bangalow Avenue. These views are currently available across the subject site to the north-west and although could not be regarded as “iconic”, are nonetheless a highly valued outlook from my clients property as the upper level living area has been crafted and oriented to avail itself of the views across the subject site. Whilst the views may not be considered “iconic”, the views are picturesque and characterised by the hills of the Ku-ring-gai National Park, the distant horizon (sunset) and nature.

*27 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.*

The views available from 6 Bangalow Avenue are across a side boundary between the two properties. These views are available from both a standing and a sitting position from the upstairs living area which, as stated previously is oriented towards these views. It should be noted that the properties on either

side of 6 Bangalow Ave are all oriented towards the north-west to take advantage of the favourable solar conditions and vistas. Both 4 Bangalow Ave and 6 Bangalow Ave have been designed with the “backyard” located to the north-western side of the property.



#### **CURRENT VIEW FROM UPSTAIRS LIVING AREA ACROSS SUBJECT SITE**

*28 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% 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.*

The likely impact of the proposal from the upstairs living area is, when assessed against the above criteria severe, primarily due to the excessive bulk and height of the proposal and the subsequent impacts on the quality views available.

*29 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.*

As outlined throughout the preceding discussion of solar access, the reasonableness of the proposal is a significant determinant in assessing the view loss as severe.

Increases in building heights of up to 2.46m directly in the available view corridor coupled with a proposal that is dominated by built forms that are excessive with ceiling heights up to around 5.3 m cannot be objectively considered as a reasonable as the non-compliance with the building envelope control, excessive bulk and roof dominated built form do not enable the proposal to be termed reasonable and as such is not worthy of support.

Council is requested to direct the applicant to withdraw the current proposal and submit a fresh DA correctly describing the proposal as a new dwelling to enable a comprehensive assessment to be carried out as a new dwelling, not alterations and additions which, for the reasons outlined above is, an inaccurate description of the proposal.

Thank you for the opportunity to provide this submission on behalf of my clients for your consideration.

**LANCE DOYLE**

**B.AppSc (UWS), M.Plan (UTS), RPIA, EPLA**

**REGISTERED PLANNER**

**DOYLE CONSULTING GROUP**