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Our Ref: 3422

29th April, 2024

Northern Beaches Local Planning Panel,
PO Box 1336,
DEE WHY, NSW, 2099

Re: **DA 2024/0113 - Property No. 106 Prince Alfred Parade, Newport.
Response to Development Application Assessment Report
Planning Panel Meeting – Wednesday 01 May, 2024.**

We refer to the above matter and provide this submission in response to Northern Beaches Council's Development Application assessment Report and recommended refusal of the application.

In regard to the report we wish to highlight the following matters.

1. Support by all Internal Council Referral Bodies & External Bodies (pp81-87)

The application is supported with or without conditions by all internal Council referral bodies including Landscape Officer, Bushland & Biodiversity, Coast and Catchments which includes development on the Foreshore Area, Riparian Lands and Creeks and Parks Reserves Beaches and Foreshore.

There are no aboriginal heritage sites recorded.

No submissions were received in response to the application.

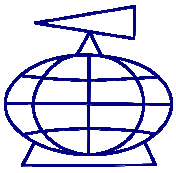
Given the above, the application should be deemed totally uncontroversial and should be supported.

2. Table of Compliance Relative to Pittwater LEP, 2014. (Page 90)

The apparent 'non compliance' with Zone Objectives, Clauses 4.6 - Exceptions to Development Standards and Clause 7.8 – Limited



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Development on Foreshore Area, are in direct conflict with comments by all of Council's own internal referral bodies.

In terms of Zone Objectives, the Inclinator installation will not create any contravention. There are no special ecological or scientific values on the already terraced land to be occupied by the Inclinator.

The minor works proposed within the foreshore area are integrated with the landscape and will not have any impact on the foreshore or wildlife corridors.

This is demonstrated by the total support of Council's internal referral bodies and external referrals.

All Council referrals in relation to Sec.7.8, Limited Development in Foreshore Area, do not find any issue in relation to the proposed works and installation, as an obvious consequence of not contravening any of the Zone Objectives. Therefore, the Sec.4.6 variation request should be supported.

3. Environmental Planning Grounds

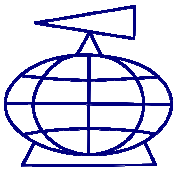
The DA Assessment Report cites a lack of environmental planning grounds to support the Sec.4.6 variation request. Following are the objectives of Sec.1.3 of the EP&A Act, 1979, together with comments in relation to the Inclinator installation;

- (a) ***to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,***

This minor work will have no impact on the wider community and will have no impacts on the environment where constructed within the already developed foreshore area.

- (b) ***to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,***

The works and installation will not compromise environmental values. In terms of social considerations, denying a land owner's individual rights to access their own waterfront (where aged, physically impaired or incapacitated) and use valuable land to its full potential is not acceptable.



(c) ***to promote the orderly and economic use and development of land,***

The Inclinator installation will maximise the use of the land and enable existing elderly owners and visitors to continue to access their own waterfront and remain in their residence.

(d) ***to promote the delivery and maintenance of affordable housing,***

Not applicable.

(e) ***to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,***

All internal Council referrals highlight that there will be no significant impacts on the foreshore area.

(f) ***to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),***

There are no items of aboriginal heritage.

(g) ***to promote good design and amenity of the built environment,***

Inclinators are designed to complement low density residential uses. They take up a small footprint and are not highly visible where integrated with the land from and screened by vegetation. This Inclinator will not be visible from the public space of Pittwater. (Refer photo/photomontage in appendix). Appropriate colours are chosen to ensure the Inclinator is camouflaged.

(h) ***to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,***

The Inclinator promotes safe and efficient access to the waterfront.

(i) ***to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,***

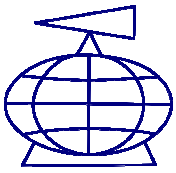
Not relevant to this application.

(j) ***to provide increased opportunity for community participation in environmental planning and assessment.***

Statutory process has been followed.



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We trust that this summary of environmental grounds pursuant to the Environmental Planning and Assessment Act, 1979, provide sufficient justification for acceptance of the Sec.4.6 variation.

4. Built Form Controls

In relation to an Inclinator, clause C.19 of Pittwater 21 Development Control Plan requires a side setback to boundary of 2 metres to edge of car. Otherwise, Inclinator is required to be wholly within private land. YSCO Geomatics have been assisting P.R. King & Sons and their clients with Inclinator applications for over 25 years and in that time this control has not been enforced. Other setbacks in relation to side and front boundary setbacks have not been applied over this duration.

5. Recommendations (Page 109)

i) Environmental Planning Grounds

In the absence of any matters of environmental sensitivity on the land, full support from all internal Council referral bodies and further considerations outlined in this letter, it is difficult to understand how a recommendation for refusal can be reached. The proposal will have no significant impact on the environment and should be supported.

ii) Suitability of the Site (Adverse Visual Impacts)

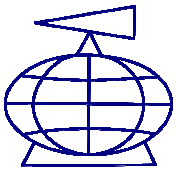
It is stated at two points that pursuant to Sec. 4.15 (1)(c) & Sec 4.15(1)(a)(i) of the EP&A Act,1979, that the Inclinator will have adverse visual impacts being visible from the public domain.

This is an opinion not based on any fact. A photograph with the bottom landing structure superimposed is included at the end of this letter. The landing has been circled so that it can be identified in the photo. As noted in the DA submission, the Inclinator is close to ground level within the foreshore area and traverses up the boundary directly adjacent to the Inclinator on the adjoining property. There will be no significant visibility from Pittwater.

This conflicts with Council's internal referrals.

iii) Inconsistency with Objectives of Sec.7.8 (1), Limited Development in Foreshore Area

The conclusion that the Inclinator is inconsistent with the objectives of clause 7.8 is at odds with the Council's own internal referrals. Comments include;



Bushland and Biodiversity – Supported:

The development is designed, sited and will be managed to avoid any significant environmental impact.

NECC (Coast and Catchments) – Supported:

It is considered that the application does comply with the requirements of the SEPP (resilience and Hazards) 2021.

Foreshore Building Area – The DA proposed construction of bottom landing of the Inclinator and access stairs within the foreshore area. All these proposed works are generally consistent with Clause 7.8 (2)(b). (p.85)

Further, on internal assessment and as assessed in the submitted Statement of Environmental Effects prepared by YSCO Geomatics dated 7th of February, 2024, the DA satisfies the objectives and requirements of Part , Clause 7.8 of the Pittwater LEP2014. (p.85)

Inclined Passenger Lifts and Stairways – On internal assessment , the DA satisfies the objectives and requirements of the Pittwater DCP. (p. 85)

NECC (Riparian Lands and Creeks) – Supported:

The application subject to conditions, is recommended for approval as it is unlikely to have an adverse effect on the integrity and resilience of the biophysical, ecological and hydrological environment of Pittwater, if condition are adhered to. (p.86)

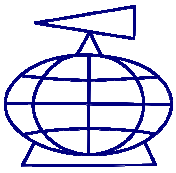
Parks Reserves, Beaches Foreshore – Supported:

The development is not detrimental to the landscape or waterway character, and as such Parks Reserves and Foreshores raise no concerns with the development proposal. (p.86)

6. Northern Beaches Council Disability Inclusion Access Plan

Northern Beaches Council is committed to creating and enabling access and inclusion for all people in the community. While the action plan focuses on community facilities, the principle should extend to enabling access within private property. The Inclinator will provide equitable access for the owners of the land, their visitors including any person with a disability or impaired mobility.

While a set of stairs can provide access to the waterfront of the land, the level difference between the pool terrace (R.L.10.7) and the waterfront of the property



(R.L.1.7) is 9 metres. It would be impossible for a visitor with a physical disability to access the waterfront.

The current Owners of the property wish to remain so that access to the waterfront does not become impossible as they grow older. Also, parents at the age of ninety will not be able to safely access the waterfront.

Individual rights for disabled and equitable access cannot be denied.

7. Inclinor Development Applications

YSCO Geomatics have been assisting P.R. King & Sons Pty Ltd and their clients for over 25 years with Inclinor installations. A very common reason for Inclinor proposals is so that elderly owners can remain in the properties they have resided in for many years. These are individual rights that should not be denied.

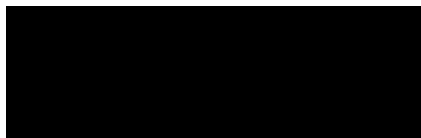
Without viable access to the waterfront it will become undesirable to remain. Inclinors, when designed appropriately, are not undesirable or highly visible and are designed to be an ancillary use to life in a low density residential environment.

Inclinors have been commonly installed in Pittwater from garage to house or from houses to the Mean High Water Mark boundary below Council's mapped foreshore building line. There are numerous installations on Prince Alfred Parade from house to the Mean High Water Mark boundary.

We trust this additional submission results in Council's Planning Panel being supportive of this application.

Yours faithfully,

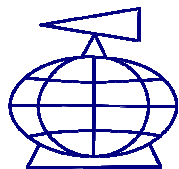
YOUDALE STRUDWICK & CO. PTY.LTD.



Registered Surveyor



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Appendix

