

11 April 2025

Northern Beaches Council
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Manly NSW 1655
council@northernbeaches.nsw.gov.au

ATTN: Adriana Bramley, Principal Planner

**RE: RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
DA2024/1806
26A LAKEVIEW PARADE, WARRIEWOOD**

Demolition works and construction of a garage and secondary dwelling at 26A Lakeview Parade WARRIEWOOD.

Dear Adriana,

This letter has been prepared in response to the matters raised in the **Request for Additional Information** ('RFI') letter dated 20 March 2025.

The following documentation has been prepared or updated to accompany this town planning response to the requested additional information:

- Amended Architectural Plans, dated 10.04.2025 prepared by Pagano Architects;
- Landscape Plan prepared by Ray Fuggle & Associates.

For ease of cross-referencing, this letter has followed the format of the Council's letter and will address the amendments in accordance with the subheadings used by Council.

1. PLEP C4 Environmental Living Zone Objectives

The objective of the C4 Environmental Living zone relating to bulk and scale reads as:

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

In response to the above objective, the following comment is made.

- The proposal is for the purpose of a secondary dwelling, contributing to the provision of low density residential development in the area. Nevertheless, the proposal has been amended to reduce the perceived bulk and scale of the secondary dwelling by reducing the timber framing and deleting the raised roof skylight. To compensate for the removal

of the raised roof skylight, two (2) skylight windows fixed to the level of the roof have been incorporated into the amended design.

- Overall, the height of the secondary dwelling has been reduced by 1.362m. Additionally, due to the increased rear setback proposed, the height of the secondary dwelling in relation to northern adjoining property has been further reduced by 240mm as the finished floor level of the secondary dwelling now sits at a lower RL than the original position proposed (RL 37.64) This reduction in height to the secondary dwelling has allowed for the roof elements to be within the side building envelopes. By reducing the bulk and scale of the development, the amended proposal of a low density and scale integrated with the landform and landscape, meeting the objective of the C4 Zone. This is further reinforced by the fact that the proposal complies with the maximum FSR afforded to the site.

2. PDCP B6.3 Off street Parking

The amended proposal has not changed the number of parking spaces currently available to the site. Nevertheless, a total of three (3) on-site car parking spaces have been provided in line with the parking provisions specified within the Pittwater DCP. Although hardstand areas have been increased along the western section of the driveway to accommodate a car space for the secondary dwelling and maneuvering areas, the amended proposal has reduced the overall amount of hardstand space existing on the site by 7.3m². The proposed extent of hardstand area cannot be reduced further without impacting the provision of on-site car parking and the ability for all vehicles to enter and exit the site in a forward direction.

Reference is to be made to the Hardstand Calculation within the Architectural Plans prepared by Pagano Architects, which demonstrates the decrease in hardstand areas.

3. PDCP C1.1 Landscaping

Reference should be made to the updated Landscaped Plan prepared by Ray Fuggle & Associates, which demonstrates the retention of native trees, and the introduction of new plantings of various sizes throughout the site.

4. PDCP C1.3 View Sharing

The amended proposal has reduced the bulk and scale of the secondary dwelling by lowering the height by 1.362m. The proposed height of the secondary dwelling is 5.5m, which sits at RL 43.65. This reduction in height to the secondary dwelling has allowed for all proposed roof elements to be within the side building envelopes established under the Pittwater DCP. Due to these reductions, adequate view sharing and view retention have been considered.

Reference is to be made to the View Diagrams with the Architectural Plans prepared by Pagano Architects, which demonstrate the cone of vision from the first floor highlight window and balcony at the neighbouring property, No. 6b Elimatta Road.

In addition to the View Diagrams, an assessment of the potential for view loss is made with respect to the planning principle established by *Tenacity Consulting v Warrigah Council* (Tenacity).

Tenacity – Step 1 – What views are affected?

The type of views affected are coastline and headland views, specifically to the south, to Long Reef Headland. The potentially affected neighbours are north of the subject site at No. 6b Elimatta Road. In accordance with the planning principle, water views are considered to be valuable.

Tenacity – Step 2 – From where are the views available?

Views to the south coastline for nearby dwellings, also addressed in the submission by Tuszynski, are through a side boundary to Long Reef Headland, over 5km away. The view to the south coastline and Long Reef Headland is considered secondary to the primary view of the neighbouring property at 6b Elimatta Road to Warriewood Beach. This is due to the neighbouring property at 6b Elimatta Road, which has a balcony facing east to Warriewood Beach. Although it is acknowledged that 6b Elimatta Road includes windows that are orientated towards 26A Lakeview Parade (the subject site), these windows are relatively small in size and act as vectors for natural light to enter the building as opposed to providing opportunities for views towards the coast. Refer to Figure 1, which demonstrates the uses of the spaces that views are available from.



Figure 1: Northern neighbouring property at No. 6b Elimatta Road, with view availability indicated.

The view analysis has been prepared based on an average-height person standing and has taken into consideration the revised levels under the amended proposal. The key modified built element introduced is the reduction of height by 1.362m compared to the previous design. Additionally, the height of the secondary dwelling has been further reduced by the fact that a greater setback to the rear boundary is now proposed, shifting the secondary dwelling forward where the natural ground level of the site is lower. This is illustrated in the View Diagrams prepared by Pagano Architects.

The planning principle acknowledges that the protection of views across side boundaries are **more difficult to protect** compared to views from front and rear boundaries. The key viewing points from adjoining neighbours are from an outdoor balcony, highlight windows from a living room and a window from a bedroom, with the affected view being across the side boundary; to quote **Tenacity**, *'The expectation to retain side views and sitting views is often unrealistic'*.

Tenacity – Step 3 – Extent of view impacts for whole dwelling?

Given that the impact is to views obtained from an outdoor balcony, highlight windows to a living room and a window servicing a bedroom of the site, the view loss is minor. It is reiterated that the secondary dwelling has been reduced in scale and setback further from the rear boundary in order to protect views from No.6b Elimatta Road. However, it is important to note that the views in question are obtained via a side boundary and are considered to serve as secondary views noting that the dwelling at No.6b Elimatta Road is orientated to allow for views of Warriewood Beach to the east.

To quote **Tenacity**, *"the impact on views from living areas is more significant than from bedroom or service areas."* As stated above, views to the south coastline and Long Reef Headland are available to the neighbouring property through a first floor bedroom window, first floor living room highlight window and the side elevation of a rear balcony. In accordance with **Tenacity**, the view from the bedroom is considered **less significant** than the view from a living area. The highlight window from the living room sits at a sill height of RL 43.22 and the secondary has a maximum height to RL 43.65. From the view cones prepared by Pagano Architects, the cone of vision from the first floor living room highlight window is able to provide a view corridor to the south coastline and Long Reef Headland. Thus, the amended proposal will not adversely affect existing views from No.6b Elimatta Road.

Tenacity – Step 4 – Reasonableness

The view impact rating is negligible or minor in consideration of the points raised in Steps 2 and 3 above. Of note, are the following design factors:

- The amended proposal, protects and maintains the scenic amenity of the south coastline and Long Reef Headland by the reduced bulk and scale of the secondary dwelling.
- It is demonstrated from the cone of vision within the Architectural Plans prepared by Pagaon Architects that views across the side boundary are maintained by reducing the height and envelope of the secondary dwelling.

As a result, the view from 6b Elimatta Road to the south coastlines and Long Reef Headland, which is through a side boundary and considered to be secondary views, will not be adversely impacted

by the amended proposal. Therefore, in accordance with the planning principle for view sharing established by *Tenacity Consulting v Warrigah Council* (Tenacity) the amended proposal aligns with the principles for view sharing. Thus, any resulting view loss is reasonable and acceptable, as the proposal has been modified in consideration of view sharing from neighbouring properties.

5. PDCP C1.11 Secondary Dwelling design

The amended proposal includes a revised design of the secondary dwelling, which has been reduced in height and complies with the side building envelope as previously addressed under point 1 of this letter.

Under the original scheme, the secondary dwelling was designed to abut the primary dwelling on the first floor. This has further been increased under the revised scheme as a result of the increased setback to the rear boundary. At the ground floor level, a breezeway is incorporated that is frequently used to access the private open space within the rear yard.

6. PDCP C1.23 Eaves

The secondary dwelling has been designed to be contemporary in form yet integrate with the predominant character of the existing dwelling. The windows to the secondary dwelling incorporate shade boxes and provide appropriate shading.

7. PDCP D14.2 Warriewood locality – Scenic protection

As stated under point 1 of this letter, the amended proposal has reduced the bulk and scale of the secondary dwelling by lowering the height by 1.362m. This reduction in height to the secondary dwelling has allowed for the roof elements to be within the side building envelopes.

The proposal is in character with the low density scale within the area that consists of two storey dwellings, reducing the extent of visual impact that was perceived by the original proposal. The amended proposal is considered to provide a secondary dwelling of minimal environmental impact.

8. PDCP D14.3 Building Colours and Materials

The building colours and materials have been amended to be of dark and earthy tones and is ressesive to the landscaping on the site.

An updated External Finishes Schedule has been prepared by Pagano Architects.

9. PDCP D14.8 Rear Boundary

The proposed rear setback has been increased to 4.75m. As a result of the increased rear setback, the secondary dwelling has been pushed forward, resulting in the removal of an additional window to the first floor bathroom of the primary dwelling. This window has been replaced with a skylight.

The amended proposal is seeking a variation of 1.75m to the minimum 6.5m rear setback requirement. The proposed secondary dwelling has been sited as forward as possible to improve building separation to the rear adjoining property whilst maintaining adequate space for safe vehicle manoeuvring areas to occur on the site. The increased setback has also allowed for the secondary dwelling to be situated at a lower ground level of RL 37.64, which reduces view loss impacts to the northern neighbouring properties and increases the provision of landscaped area on the site, particularly along the rear boundary. The variation is considered to be acceptable as no amenity impacts in terms of visual bulk, view loss, overshadowing or privacy will occur to adjoining properties.

10. PDCP 14.11 Building Envelope

The amended proposal has reduced the overall height of the secondary dwelling. The secondary dwelling is now sited at a ground floor level of RL 37.64 and has a maximum height at RL 43.65. As a result, the secondary is within the building envelope requirements specified under the Pittwater DCP.

An updated building envelope can be viewed on the elevations contained within the Architectural Plans, prepared by Pagano Architects.

11. PDCP D14.13 Landscape Area – Environmentally Sensitive Areas

The proposed landscaped area is measured at 432.3m² (39%). This represents a slight increase to the existing landscaped area on the site which measures at 425.3m² (38%).

The proposed landscaping has been increased by 7m². The proposal is seeking a variation to the minimum 60% landscaped area control under Pittwater DCP. It is considered that since an improvement to the existing landscaped area is proposed, the variation is acceptable as the status quo has been maintained.

An updated Landscaped Plan has been prepared by Ray Fuggle & Associates.

I trust the above clarifies the concerns outlined within Council's letter. Please do not hesitate to contact me should you require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Smith".

Corey Smith
GAT & Associates

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Ref. P5049