

4 April 2023

The General Manager
Northern Beaches Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099

Attn: Mr Dean Pattalis

Dear Mr Pattalis,

RE: DA2022/1915 – 29 WANDEEN ROAD, CLAREVILLE
PROPOSAL: ALTERATIONS & ADDITIONS TO A DWELLING HOUSE INCLUDING A SWIMMING POOL

I refer to Council's correspondence dated 19 January 2023 and on behalf of Ms Patricia Quirk, I am pleased to offer the attached revised architectural plans prepared by Vanessa Miles Design & Draft, Sheets A00 – A22, Revision 5 which we believe successfully respond to the issues raised in your assessment.

In particular, the revised architectural plans present the following general amendments, which are discussed in further detail within this submission :

- In order to respond to Council's concerns regarding impact on existing trees within the Biodiversity Values Mapped Area at the rear of the site, the proposed swimming pool has been relocated to be positioned between Trees 5, 6 & 7, with all trees within the rear yard now to be retained. The proposal is accompanied by a revised Construction Impact and Management Statement prepared by Growing My Way Tree Consultancy, dated June 2020 and further updated March 2023.
- In order to respond to Council's concerns regarding the Clause 4.3 - Height of Buildings control & DCP Building Envelope requirement to the western boundary, the proposed western side setback of the First Floor Bedroom Three & Bedroom Four western wall alignment has been increased by 611mm to 3257mm from the original setback of 2646mm.

To take the matters raised in your correspondence in turn:

Pittwater Local Environmental Plan 204

Part 4.3 Height of Buildings

As requested, our revised architectural plans include further sections cut east-west through the

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western façade of the building (See Sheet A14C).

The additional section information and demolition comparison provided in Sheet A14C graphically demonstrates that whilst the existing western setback at the first floor level is to be marginally reduced in order to provide for two bedrooms with a functional internal layout the requirements of the owners, the significant reduction in the extent of built form at the western elevation through the removal of the existing large gable end over the western building elevation and its replacement with a low skirt roof over the ground floor level, will substantially reduce the bulk of the building when viewed from the west.

Additionally, the overall height of the building has been reduced as a result of the proposed amendments to the existing building.

We also ask you to note that the stepped three storey height of the building is directly compatible with the adjoining property immediately to the east and the number of other examples of buildings which are stepped to follow the topography in the immediate locality and which contain three levels.

We believe that the works achieve an appropriate internal layout for the requirements of the extended family and will result in a substantial reduction in the visual height and bulk of the development.

Given the works provide for increased upper floor western setback to that originally considered by Council, we ask that you assess the application on its merit and as we are will be providing an improved outcome in relation to building bulk and scale when viewed from the neighbouring properties and from the surrounding public areas, it is our opinion the proposal achieves the objectives of Council's Building Envelope Control and is worthy of support.

Pittwater 21 Development Control Plan

Section C1 .3 View Sharing

Further to the issues we have discussed during your assessment in relation to the impact on views, we submit that the amendments to the submitted plans to increase the western side setback will result in an increase in the available extent of use for the immediate neighbour to the east. We believe it is important to note and, in particular in response to the Tenacity Consulting Planning Principle that the elements which are having a direct impact on neighbouring views result primarily from the eastern elevation of the building and from the works centrally located in the building, which comfortably comply with Council's maximum height control and setback requirements.

Following the Tenacity stepped assessment procedure, given the neighbouring property to the west will retain the opportunity for substantial views from a number of areas within the building and which would be otherwise un-impacted by the works, together with the fact that the portion of the proposed development which does have some impact on views is from elements of the building which comply with Council's controls, we believe the development is reasonable.

Additionally, the modifications to the designed to increase the western side setback at the first floor level which will have the result of improved view opportunity directly south-west for the neighbour do represent a skilful approach to the design, In conclusion, we do not believe

that the proposal is contrary to Council’s View Sharing Principles and when assessed against the Tenacity Principles, the impact on the neighbouring properties is not significant and is as reasonably anticipated in Council’s controls, which contemplate some impact on neighbour views with the objective to provide for a reasonable sharing of views.

Section D1.11 Building Envelope

As previously discussed, the proposed amendments will reduce the extent of the building envelope breach and as indicated in the figure below, the removal of the existing gable end and the reduction in the overall height of the building as a result of the proposed works, the proportion of the building which breach the building envelope control is significantly improved as a result of the works. Any further movement of the western wall of the upper level to the east would not result in any change in the overall calculable building height, as the height is depicted from the existing ground floor level which is level throughout the majority of the western half of the proposed floor plate.

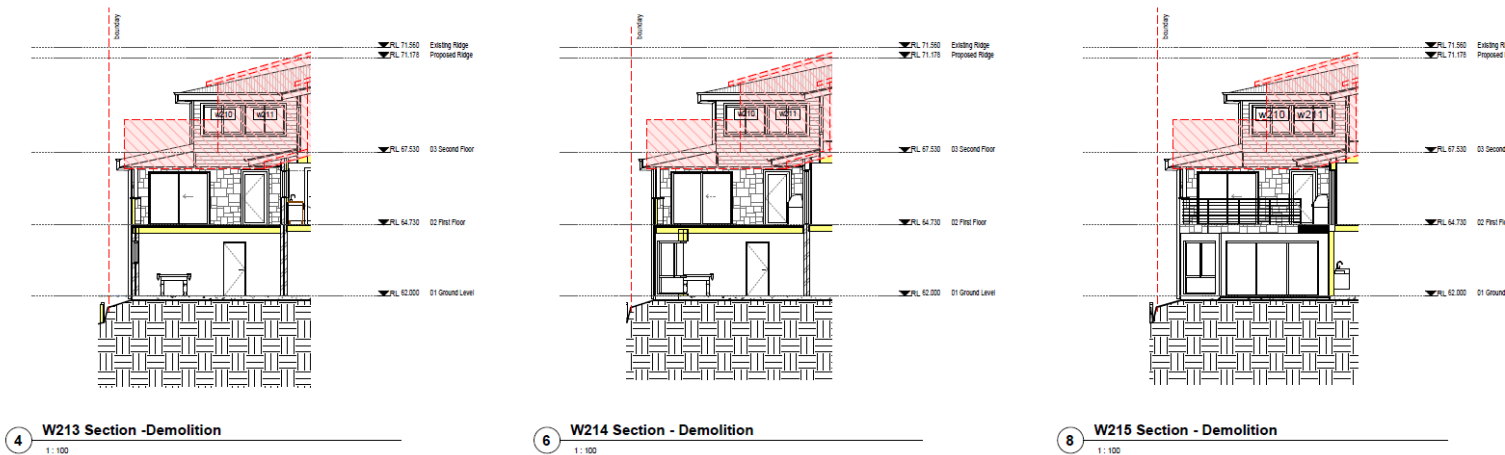


Fig 1: Extract from architectural plans to note comparative reduction in the extent of the breach of the existing maximum height and existing breach of the building envelope control

As we believe that the proposed amendments respond positively to Council’s concerns, we ask that the application be considered on its merits in relation to the building envelope control.

Referral Comments

Development Engineering

As you have noted during a site inspection, the site has no opportunity for on street parking and is located in an area where substantial through traffic between Clareville and Bilgola Plateau passes the site, with limited sight distance given the crest of the hill immediately up slope of the site to the east.

Reversing from the site and crossing the unbroken double lines to the centre of the road is dangerous and illegal. It is therefore imperative for the owners to be able to park within the site and turn and leave in a forward direction and this is afforded through the provision of the turning area. It was noted by Council staff in previous assessment of this proposal under separate application that there was no ready design alternative that would allow for the turning area and which would not require the removal of the trees.

As a consequence of the significant safety benefit afforded by the opportunity to park in turn within the site, benefit, we ask that this aspect be considered on merit, with the trees removed and replaced if required.

Council's Engineering Referral also requested information regarding the provision of an on-site detention system for the site. The site can come fully drain to the street and if the site layout as suggested within the amended architectural plans is suitable, we would not oppose a condition of consent requiring the provision of an on-site detention facility prior to the issue of Construction Certificate.

The amended proposal is also accompanied by an updated Geotechnical Report – comment prepared by White Geotechnical Group under reference J2597C dated 29 March 2023 which notes the alterations to the location of the swimming pool within the rear yard of the site and the fact that the recommendations within the previous risk assessment are unaltered.

Bushland & Biodiversity

As previously discussed, the proposed amendments to the design and location of the swimming pool will ensure that the four mature trees within the Biodiversity Values Mapped area at the rear of the site will be retained.

Landscape Officer


In response to the concerns raised by Council's Landscape Officer, the treatment of the rear yard and location of retaining walls has been revised to restrict impact on the existing trees, with the effect that all substantial trees within the rear yard will be retained.

The site will also retain the opportunity for the existing planting within the site to be supplemented where necessary.

We trust that the revised plans respond appropriately to your concerns and we appreciate your consideration of the above response to the issues.

Should you require further information from us to support your assessment, please do not hesitate to contact me on 9999 4922 or 0412 448 088.

Yours faithfully,



VAUGHAN MILLIGAN