

## Memo

### Development Assessment

**To:** Development Determination Panel

**Cc:** Rodney Piggot  
Manager, Development Assessment

**From:** Adriana Bramley  
Assessing Officer

**Date:** 30 May 2025

**Subject:** DA2024/1827 11 Loch Street, Freshwater.

**Record Number:** 2025/377135

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This memo is to assist the Panel with consideration of issues and matters of clarification raised in the meeting and make amendments to the recommended conditions, if necessary. Issues raised by the panel are accounted for in the recommended changes as follows:

### ISSUES / CLARIFICATION

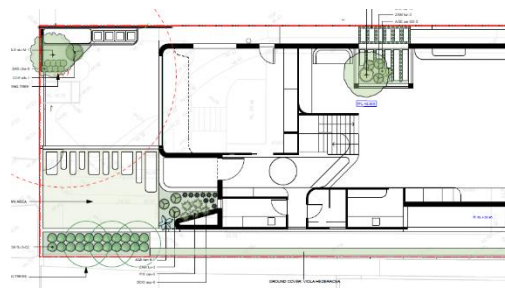
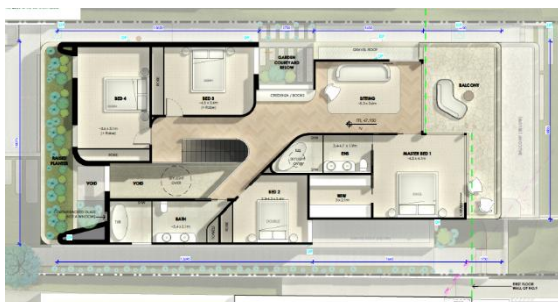
#### 1. Southern Side Boundary

At the panels request, vegetation planting was requested to be considered for the southern side boundary setback to soften the expanse of hard landscaping present.

Plans submitted by the applicant (registered in Council's system 29<sup>th</sup> May 2025) have addressed this matter by introducing some soft landscaping. The narrow planter balances the request for softening with the need to manage stormwater and keep moist areas away from the edge of the main footings in an area that receives limited sunlight penetration.

As such, it is recommended to include the following amended plans in the approved plans condition to show the added landscaped area (see '*Recommendation*').

- Landscape Plan Upper Ground LPL\_1401 Rev D dated 29/05/2025
- Landscape Plan First Floor LPL\_1402 Rev D dated 29/05/2025
- First Floor Plan A102 Rev dated 29/05/2025



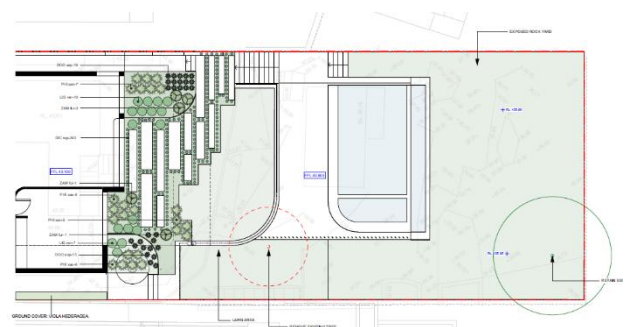
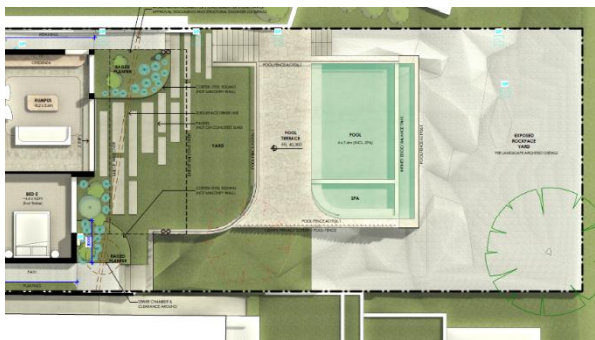
## 2. Screen Planting around the pool

At the panels request, clarification is requested on landscaping surrounding the pool edge. To date, the architectural plans and the landscape plans indicated a different planting outcome for the outside of the pool (one with planting and the other without). The applicant has provided clarification by way of amended plans (registered in Council's System 29<sup>th</sup> May 2025) on the planting proposed on the outside of the pool.

Areas of exposed sandstone are evident at the rear of the property, and these are kept as a preference in the landscaping plans. This responds to the requirement of clause E6 of the Warringah DCP "*Retaining unique environmental features*". The alternative would be to fill the area to provide enough soil depth for landscaping with shrubs and trees. In addition, submissions received outlined concerns about vegetation blocking views across the rear of the adjacent lots.

As such, it is recommended to include the following amended plans in the approved plans condition to ensure consistency between architectural and landscape plans (see '*Recommendation*').

- Landscape Plan Lower Ground LPL\_1403 Rev D dated 29/05/2025
- Lower Ground Floor Plan A100 Rev - dated 29/05/2025



## View Loss

At the panels request, further details are provided in relation to clause D7 of the Warringah DCP "*Views*" giving regard to the control that requires a reasonable sharing of views, specifically having regard to the Planning Principle established by the Land and Environment Court in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140.

As such it is recommended to provide an addendum to the Assessment Report, in relation to Point 4 – *Reasonableness of the proposal that is causing the impact*:

Comment to Point 4 to be amended to read:

- The view loss assessment has concluded that the only view loss experienced will likely be to the balcony of 14 Loch Street (minor). The view loss is due to the rear outer wall on the southeast corner of the upper floor.

This view is between the 2 existing houses at 11 and 13 Loch Street towards the ocean from the northern end of the balcony and living room at number 14. The new

dwelling setbacks potentially open up a wider window of view in the lower portion of the view due to the side setback of the existing dwelling being increased from 1.3m (existing) to 2.74m for the rear half of the proposed building. The extent of view loss is reasonable in that the proposed dwelling contains compliant side setbacks and height limit with a minor side envelope breach in the rear southwest corner due to the topography dropping away. The envelope breach contains a bedroom and the narrowest part of the building at 4.1m wide (excluding the balcony). Existing approved setbacks on the internal side boundary at 9 Loch Street of 0.9m are contributing to a narrow view corridor. The setback of the upper story of the proposed at 2.74m from the boundary is a reasonable design response without making the upper storey narrower or requiring a split level.



As such, the view loss assessment finds the proposal causing the minor view loss reasonable.

## RECOMMENDATION

- Amend Condition 1 by providing updated dates plans, to ensure consistency of landscaping outcomes and introduce a planter on the southern side boundary (along with required changes to stormwater plans) as follows:***

### **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

<b>Approved Plans</b>				
<b>Plan Number</b>	<b>Revision Number</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Date of Plan</b>
A001		Site Plan	FBC Architects	29/05/2025
A002		Demolition Plan	FBC Architects	29/05/2025

A003		Waste Mgmt, Erosion/Sediment Control	FBC Architects	29/05/2025
A004		Cut & Fill Plan	FBC Architects	29/05/2025
A100		Lower Ground Floor	FBC Architects	29/05/2025
A101		Upper Ground Floor	FBC Architects	29/05/2025
A102		First Floor Plan	FBC Architects	29/05/2025
A103		Roof Plan	FBC Architects	29/05/2025
A200		External Finishes Schedule	FBC Architects	29/05/2025
A201		Elevations (West)	FBC Architects	29/05/2025
A202		Elevations (East)	FBC Architects	29/05/2025
A203		Elevations (North & South)	FBC Architects	29/05/2025
A300		Sections (Section 1)	FBC Architects	29/05/2025
A301		Sections (Section 2)	FBC Architects	29/05/2025
A303		Sections - Envelope (Section 3 & 4)	FBC Architects	29/05/2025
LPL_1401	D	Landscape Plan Upper Ground	Lone Pine Landscapes	29/05/2025
LPL_1402	D	Landscape Plan First Floor	Lone Pine Landscapes	29/05/2025
LPL_1403	D	Landscape Plan Lower Ground	Lone Pine Lower Ground	29/05/2025
C1	2	Site & Catchment Plan	5QS Consulting Engineers	29/05/2025
C2	2	Stormwater Drainage Plan 1 of 2	5QS Consulting Engineers	29/05/2025
C3	2	Stormwater Drainage plan 2 of 2	5QS Consulting Engineers	29/05/2025
C4	2	Roof Drainage Plan	5QS Consulting Engineers	29/05/2025
C5	2	Harvesting Tank Schematics	5QS Consulting Engineers	29/05/2025
C6	2	OSD Tank Schematic	5QS Consulting Engineers	29/05/2025
C7	2	Driveway Plan	5QS Consulting Engineers	29/05/2025
C8	2	Driveway Long Section	5QS Consulting Engineers	29/05/2025

## 2. Amend the Assessment Report D7 Views to include the following:

### Comment to Point 4

The view loss assessment has concluded that the only view loss experienced will likely be to the balcony of 14 Loch Street (minor). The view loss is due to the rear outer wall on the southeast corner of the upper floor.

This view is between the 2 existing houses at 11 and 13 Loch Street towards the ocean from the northern end of the balcony and living room at number 14. The new dwelling setbacks potentially open up a wider window of view in the lower portion of the view due to the side setback of the existing dwelling being increased from 1.3m (existing) to 2.74m for the rear half of the proposed building. The extent of view loss is reasonable in that the proposed dwelling contains compliant side setbacks and height limit with a minor side envelope breach in the rear southwest corner due to the topography dropping away. The envelope breach contains a bedroom and the narrowest part of the building at 4.1m wide (excluding the balcony). Existing approved setbacks on the internal side boundary at 9 Loch Street of 0.9m are contributing to a narrow view corridor. The setback of the upper story of the proposed at 2.74m from the boundary is a reasonable design response without making the upper storey narrower or requiring a split level.