



Statement of Environmental Effects

Proposed Dwelling

10 Gardere Ave, Curl Curl

Lot 5 DP 6000

**Prepared by Willowtree Planning Pty Ltd on
behalf of Harmony Creative Pty Ltd**

December 2020

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd on behalf of Creative Harmony Pty Ltd, and is submitted to Northern Beaches Council to support a Development Application (DA) for the proposed dwelling at 10 Gardere Ave, Curl Curl (Lot 5 DP 6000).

The proposal seeks to support the replacement of the existing dwelling on the site with an architecturally-designed home integrated within a landscape setting, that would uplift the visual quality and character of the site and streetscape. The proposed dwelling has been designed to create a highly amenable living space for the occupants, whilst respecting the amenity of neighbouring residences and integrating with the street scene.

This SEE provides an assessment of the proposed development against the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The relevant planning instruments and policies assessed include *Warringah Local Environmental Plan 2011* (WLEP2011) and *Warringah Development Control Plan 2011* (WDCP2011). Based on the assessment undertaken, it is recommended that Council's favorable consideration to the approval of the DA be given.

1.2 PLANNING AND DEVELOPMENT HISTORY

A DA (DA2020/1121) was lodged with Council on 23 September 2020, seeking consent for demolition works and construction of a dwelling house.

An Additional Information Request was received from Council dated 05 November 2020, and on 20 November 2020 a comprehensive Additional Information response was provided to Council detailing a suite of design amendments and additional assessments.

Subsequently, email correspondence from Council dated 07 December 2020 identified additional matters required to be addressed. The Applicant also engaged with Council through phone discussions on 09 December and 14 December, a site meeting with Council on 10 December and further email correspondence on 14 December. Whilst architectural and landscape amendments were prepared, it was not possible to amend the Engineering Plans within the timeframe allowed by Council, and accordingly the DA was withdrawn on 16 December 2020.

This DA similarly proposes a new dwelling house on the site, and incorporates the amendments that were previously requested and supported by Council. Accordingly, the proposal subject of this DA has *already* been acknowledged by Council to achieve view-sharing, privacy, solar access and general amenity for neighbouring properties, and to provide an acceptable design outcome for the site and streetscape.

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PART B SITE ANALYSIS

2.1 SITE DESCRIPTION AND EXISTING DEVELOPMENT

The subject site is identified as 10 Gardere Ave, Curl Curl, being legally described as Lot 5 DP 6000.

The site exhibits an area of 455.3m² with a primary frontage to Gardere Ave to the north. To the east, west and south the site is adjoined by dwelling houses, and dwelling houses are similarly situated to the north on the opposite side of Gardere Ave.

In its existing state the site comprises a single storey dwelling of older construction with a white clad façade, pitched tile roof and open-form carport. The existing dwelling is setback substantially further than any other dwellings in the street, and also exhibits a significantly smaller scale than any other dwellings in the street.

Site landscaping includes turf, shrubs and a frangipani tree in the front yard, and primarily turf in the rear yard. The mature trees to the rear of the dwelling are situated on the neighbouring property.

The site also includes an underground stormwater pipe and sewer main passing through the rear yard.

The site is shown in **Figure 1** and **Figure 2** below.



Figure 1. Existing Site Development (SIX Maps 2020)

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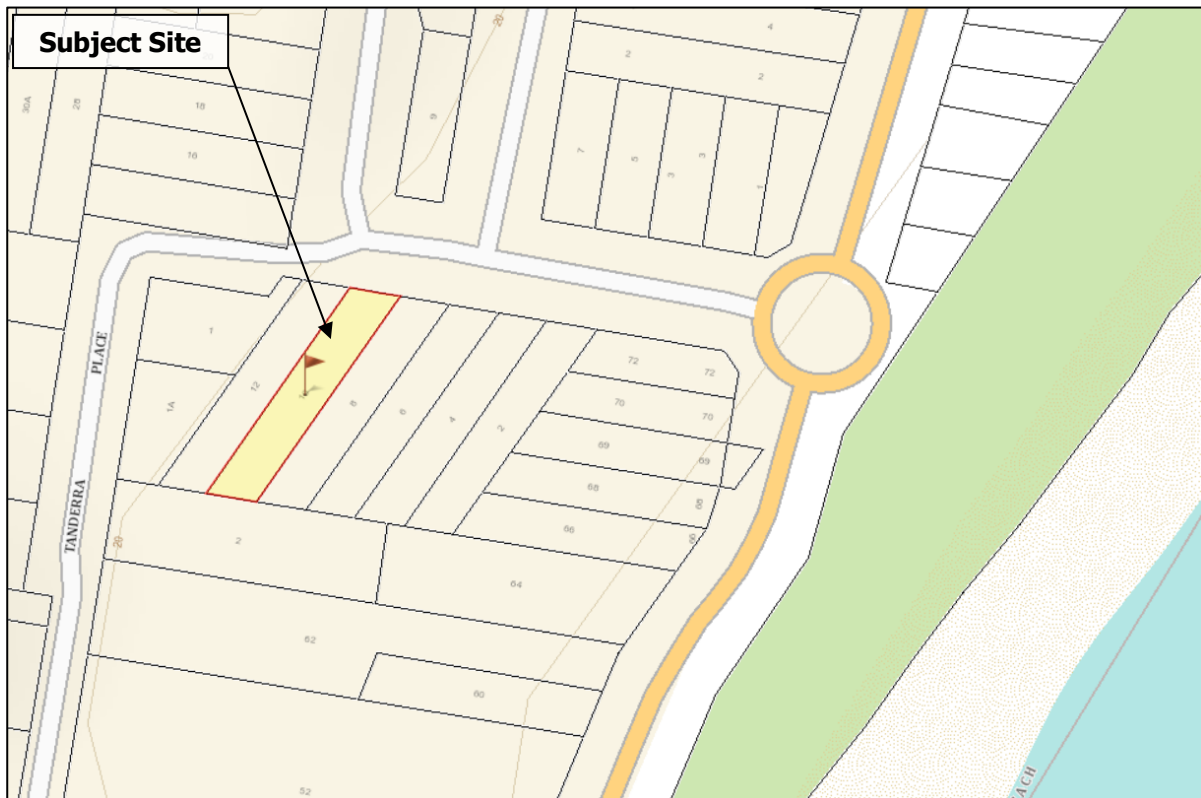


Figure 2. Cadastral Map (SIX Maps 2020)

2.2 LOCAL AND REGIONAL CONTEXT

The subject site is located in the suburb of Curl Curl which forms part of Northern Beaches Local Government Area (LGA) (former Warringah LGA).

The site context exhibits a low density residential character, being dominated by detached dwelling houses with two (2) to three (3) storeys and of varying styles and ages of construction. The landform exhibits a sloping topography, with dwellings stepped accordingly and orientated to take in coastal views to the east.

The site is situated within 100m walk of South Curl Curl beach. A variety of other reserves and parks are scattered through the surrounding area, and Curl Curl Lagoon is situated approximately 650m walk to the north.

The site is serviced by public transport, including bus stops along Carrington Pde with services connecting to Manly and Warringah Mall.

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PART C THE PROPOSAL

3.1 AIMS AND OBJECTIVES OF THE PROPOSAL

This DA seeks to deliver a new dwelling on the site, to replace the existing. This primary aim is underpinned by the following objectives:

- Provide a dwelling that affords a high standard of living to the occupants;
- Respect neighbouring amenity as a result of the development;
- Uplift the architectural and landscape qualities of the site;
- Integrate with the established streetscape; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as built-upon land would be redeveloped to accommodate a new, architecturally-designed home within an established, beachside, residential area.

3.2 DESCRIPTION OF THE PROPOSAL

Development consent is sought for a proposed dwelling house. Specifically, the proposal entails the following:

- Demolition of existing dwelling house and associated structures;
- Construction, fit-out and use of a new dwelling house;
- Construction of a new driveway (existing kerb crossing to be retained); and
- Site landscaping.

The development particulars are summarized in **Table 1**.

Table 1. Proposed Development Particulars	
Development Particular	Proposal
Site area	455.3m ²
Gross Floor Area (GFA)	268.67m ²
Floor Space Ratio (FSR)	0.59:1
Landscaped area	232.94m ² total (162.75m ² excluding areas with dimensions less than 2m)
Height	2 storeys, 7.786m maximum building height

Architectural Drawings showing the proposed works are provided at **Appendix 2**. The architectural intent is shown in the Photomontages at **Figures 3** and **4** below.

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Figure 3. Proposed Architectural Design (Urban Harmony 2020)



Figure 4. Proposed Architectural Design (Urban Harmony 2020)

PART D LEGISLATIVE AND POLICY CONTEXT

Section 4.15 of the EP&A Act sets out specific matters that Council is to take into consideration in the assessment and determination of DAs.

The sections below respond to the relevant matters in relevant legislation and policy documents.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching governing document for all development in NSW and pursuant to Part 4, the subject proposal is Local Development.

4.2 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The site is subject to the provisions of WLEP2011. Relevant permissibility and development standards are summarised in the subsequent sections of this SEE.

Zoning and Permissibility

The site is zoned R2 Low Density Residential pursuant to WLEP2011 (**Figure 5**).

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The following permissibility applies within the R2 zone:

2 Permitted without consent

Home-based child care; Home occupations.

3 Permitted with consent

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals.*

4 Prohibited

Any development not specified in item 2 or 3.

Accordingly, Dwelling Houses are permitted with consent in the R2 zone.

The provision of a new dwelling on the site is also considered to be consistent with the R2 zone objectives as it would provide for the housing needs of the occupant within a low density residential environment that is complemented by landscaping.

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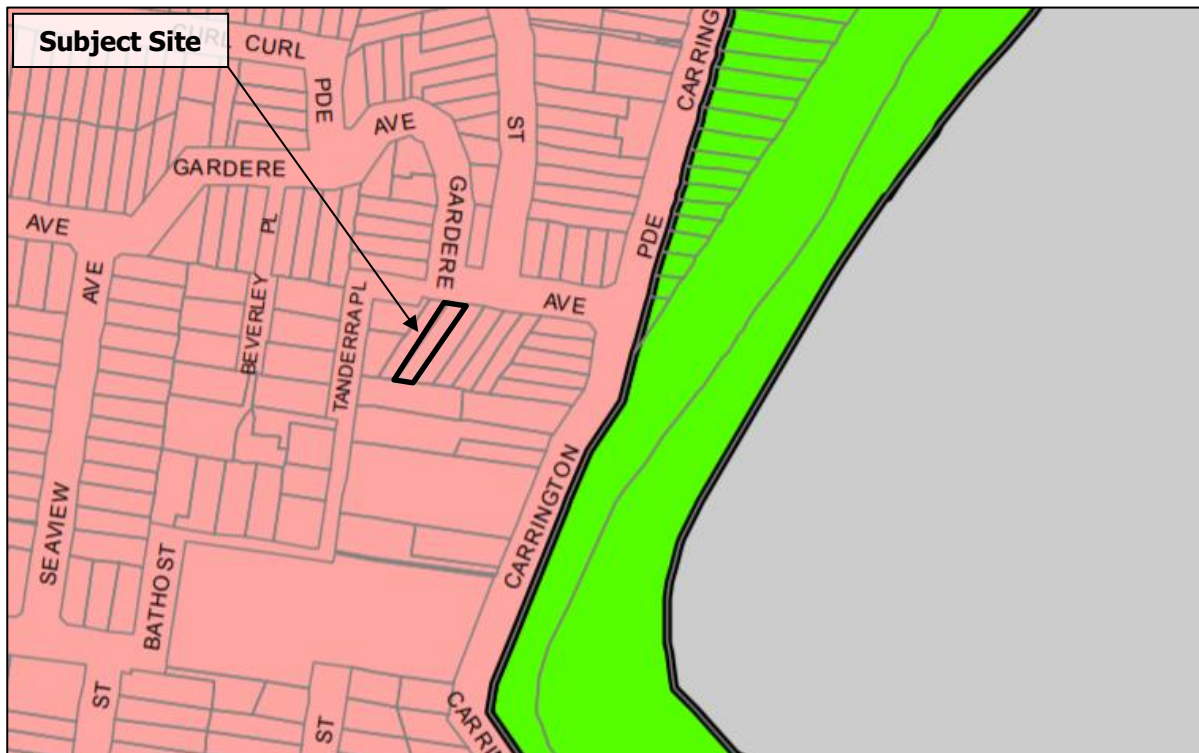


Figure 5. Zoning Map (NSW Legislation 2020)

Development Standards and Local Provisions

The development standards and other relevant provisions to which the site is subject pursuant to WLEP2011 are summarized in **Table 2** below. Assessment of the proposal against these relevant standards and provisions is also included in the table.

Table 2. WLEP2011 Development Standards and Provisions	
WLEP2011 Clause	Standard/Provision and Assessment
Minimum Lot Size	The site is subject to a 450m ² minimum lot size standard. The proposal would not include subdivision.
Maximum Building Height	The site is subject to an 8.5m maximum building height standard. The proposed development would exhibit a maximum height of 7.786m, thereby complying with the standard.
Maximum FSR	The site is not subject to a maximum FSR standard.
Land Reservations	The site is not affected by any land reservations.
Heritage	The site does not comprise any heritage items and is not within a heritage conservation area.
Acid Sulfate Soils	The site is not identified as comprising acid sulfate soils.

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Table 2. WLEP2011 Development Standards and Provisions	
WLEP2011 Clause	Standard/Provision and Assessment
Flood Planning Area	<p>As outlined in the Hydraulic Report and Flood Study at Appendices 6 and 7, the site is currently affected by overland flows during the 1:100 ARI storm event.</p> <p>Based on the External Catchment Assessment Report undertaken, it has been shown that the new residence can be constructed on the site with a nil impact on surrounding properties and within the guidelines imposed by the regulatory authorities.</p>
Landslip Risk	<p>The site is identified in 'Area B – Flanking Slopes 5° to 25°'.</p> <p>Pursuant to Clause 6.4, consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) <i>the application for development has been assessed for the risk associated with landslides in relation to both property and life, and</i> (b) <i>the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and</i> (c) <i>the development will not impact on or affect the existing subsurface flow conditions.</i> <p>The Preliminary Geotechnical Assessment outlines that the site shows no indications of historical movement in the natural surface that could have occurred since the property was developed, and there is no history of instability on the property. The report concludes that, provided good engineering and building practice are followed, no further geotechnical assessment is recommended for the proposed development.</p>
Coastline Hazard	<p>The site is not identified as being affected by coastal hazards.</p>

4.3 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

WDCP2011 contains more detailed provisions to guide development. The detailed DCP Compliance Table in **Appendix 1** demonstrates that the proposal is largely consistent with the relevant provisions, and where minor variation to the controls is proposed, it has been demonstrated that the WDCP2011 objectives would be achieved.

PART E PLANNING ASSESSMENT

Pursuant to Section 4.15 of the EP&A Act, the following matters have been addressed.

5.1 LIKELY IMPACTS

5.1.1 CONTEXT & SETTING

The proposal would support the replacement of an existing dwelling with a new, architecturally-designed home within an established, beachside, residential area. The proposal would therefore uplift the visual character of the site and integrate with the streetscape. The proposed dwelling would be highly compatible with the local context.

5.1.2 DESIGN, BULK AND SCALE

The proposed dwelling has been architecturally designed and incorporates high quality materials and finishes, so as to positively contribute to the visual character of the area.

Facade articulation has been achieved through multiple windows in all elevations at both ground and first floor level, varied side setbacks with elements of the building mass 'stepped in', and a variety of high quality materials and finishes. The proposed roof form has also been modulated, with a pitched form adjacent to the street frontage to respond to the established character in the street, and a very low pitched roof form to the rear to support view sharing, respect neighbouring amenity and minimise the bulk and scale of the built form.

Subsequent to the original DA design and first iteration of amendments, the bulk and scale of the proposed dwelling has been further reduced through design amendments, summarised as follows:

- Reduced height of the dwelling, achieved by further sinking of the built form and resulting in enhanced amenity and view sharing for neighbouring properties.
- Amendment of the rear roof form to provide a very low pitch, as requested by Council.
- Reduced depth of the dwelling, resulting in an increased rear setback, additional landscaped area in the rear garden, and enhanced view sharing for No.12 where view lines extend over the rear of the subject site.
- Stepping-in of the south-eastern elevation, resulting in additional articulation of the eastern and rear elevations, increased side and rear setbacks, and additional landscaped area.
- Reduced GFA of the dwelling, from 288.02m² under the previous amendments down to 268.67m² based on the newly-amended design (representing a 19.35m² or 6.72% reduction compared to the previous amendments, and a greater extent of reduction compared to the original scheme).
- Reduced extent of the first floor balcony roof, achieved by setting the roofline back an additional 300mm from the front boundary and further reducing view impacts for No.12.

Together, the proposed design amendments respond to all the matters raised by Council and would contribute to a positive outcome for the streetscape and the amenity of neighbouring properties.

5.1.3 LANDSCAPE AND TREES

The proposal would include high quality landscaping, integrating a complementary variety of planting (prioritising native species), grass areas and pedestrian pathways.

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The area of landscaping has been increased across the site (compared to the previous DA and first Additional Information Response), achieved through increased rear and side setbacks. This would reduce the previous numeric non-compliance with WDCP2011. The intent of the WDCP2011 landscape controls and objectives would be even more closely aligned with and achieved.

Based on WDCP2011 and the site area of 455.3m², the proposal is required to incorporate 182.12m² landscape area (40% of the site area).

The proposal provides 232.94m² total landscaped area across the site (equating to 51.16% of the site area). Given the narrow width of the site, some areas of landscaping (such as adjacent to the side boundaries, where DCP-compliant side setbacks have been provided) exhibit dimensions less than 2m. The exclusion of these narrow areas of landscaping (dimensions less than 2m) would result in the calculation of landscaped area being reduced to 162.75m² (35.75% of the site area), representing a 19.37m² or 4.25% shortfall compared to the WDCP2011 control.

Given the proposal provides DCP-compliant front setbacks at ground level, compliant side setbacks and compliant rear setbacks, and also provides total landscaped area across the site that exceeds the WDCP2011 requirements, the proposal would not be an overdevelopment of the site. Rather, the proposal provides a conservatively-scaled dwelling (smaller scale than other existing dwellings in the street) within a landscaped setting. Planting (including low-height planting where required to avoid amenity impacts) within all setback areas would soften the appearance of the built form and positively contribute to the streetscape and 'green' character of the area.

Further, as detailed in **Section 5.1.4** of this SEE, the proposal would suitably respect neighbouring amenity for both No.8 and No.12, including with respect to views, solar access and privacy.

For the reasons outlined above and as per the more detailed assessment in the following table, the proposal would achieve the objectives of Part D1 of WDCP2011.

Table 3. Assessment of the Objectives for Landscaped Open Space pursuant to Part D1 of WDCP2011	
WDCP2011 Part D1 Objective	Assessment of Proposal
To enable planting to maintain and enhance the streetscape.	<p>The proposed landscape areas would support a variety of planting. Low height planting and some medium size shrubs, would be provided adjacent to the street frontage, and would contribute to an attractive streetscape.</p> <p>Planting on the other areas of the site (side and rear) would further contribute to the general 'green' character of the area.</p> <p>It is noted that the inclusion of canopy trees would be inappropriate in the circumstances of the site, as large trees would compromise neighbouring views.</p>
To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.	<p>The site does not include any existing significant vegetation or canopy trees, and mature trees adjacent to the rear site boundary on the neighbouring property would be unaffected by the proposal. The proposal would introduce a variety of new planting, including indigenous species.</p>

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Table 3. Assessment of the Objectives for Landscaped Open Space pursuant to Part D1 of WDCP2011

WDCP2011 Part D1 Objective	Assessment of Proposal
To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.	<p>The proposed landscape areas are suitably scaled to support a variety of planting. Low height planting with some medium size shrubs have been selected.</p> <p>It is noted that the inclusion of canopy trees would be inappropriate in the circumstances of the site, as large trees would compromise neighbouring views.</p> <p>Accordingly, the proposed landscape areas and planting therein, would soften the appearance of the built form and 'green' the site, whilst also protecting neighbouring amenity.</p>
To enhance privacy between buildings.	<p>As detailed in Section 5.1.4 of this SEE, the privacy of the neighbouring properties at No.8 and No.12 would be adequately respected by the proposal. To avoid overshadowing and view impacts, parts of the side setbacks are free from planting, but in these locations privacy would be achieved through boundary fencing as well as the strategic positioning of windows and opaque glazing.</p> <p>Fencing and planting around the perimeter of the backyard would contribute to privacy for the adjoining property to the rear and for the backyards of the properties to either side.</p>
To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.	The landscaped areas of the site include spaces for planting as well as a well-proportioned lawn within the backyard to provide passive and active recreational opportunities for the occupants.
To provide space for service functions, including clothes drying.	Service functions are accommodated within the various outdoor spaces provided to complement the new dwelling. Specifically, a clothesline has been shown within the backyard, a rainwater tank is provided underground beneath planting in the front garden, and a bin storage area has been provided in a concealed, secure location within the side setback.
To facilitate water management, including on-site detention and infiltration of stormwater.	<p>The proposal integrates an underground rainwater tank within the front landscaped area, with suitable planting supported at ground level above.</p> <p>The proposal would achieve effective water management.</p>

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Accordingly, the proposed landscaped areas for the site would achieve the objectives of Part D1 of WDCP2011 and would contribute to a positive 'green' outcome for the site and streetscape whilst respecting neighbouring views.

5.1.4 NEIGHBOURING AMENITY

The proposed dwelling has been designed to respect neighbouring amenity, and significant design amendments have been adopted so as to maximise view sharing, privacy and solar access for neighbouring properties.

Further details are provided in the following subsections.

5.1.4.1 VIEW SHARING

The additional design amendments now proposed (subsequent to the original DA and first Additional Information Response) would enhance view sharing, as per the following overview:

- The overall height of the dwelling has been reduced, by further sinking of the built form. This would support view lines over the proposed built form, particularly from the upper floor windows of No.12.
- The rear roof form has been amended to provide a very low pitch, as requested by Council.
- The depth of the dwelling has been reduced by stepping the building in from the rear. This would remove entire sections of the building from the neighbouring view lines, where they take in the rear portion of the subject site.
- The extent of the first floor balcony roof has been reduced, achieved by setting the roofline back an additional 300mm from the front boundary. This would further reduce north-easterly view impacts for No.12.

To demonstrate that the proposal would have no unacceptable impact with respect to views, a detailed assessment has been carried out in accordance with the Land and Environment Court's (LEC) Planning Principle for *view sharing*, as established by Roseth SC in *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

To guide the assessment of view impact, Roseth SC provides that *the notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.)* To decide whether or not view sharing is reasonable, Roseth SC adopted a four-step assessment, which has been applied to 12 Gardere Avenue (No.12) in the following paragraphs.

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 in question are oblique north-easterly, easterly and south-easterly outlooks over the side boundary of the adjoining site. The outlooks include vegetation and existing development in the foreground, partly-obscured ocean views and partly-obscured headland views. No iconic views or whole views would be affected. The outlook to be affected may therefore be described as partial land and water views without icons.

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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 outlook to be affected is obtained from seated and standing positions from the front verandah, lounge room, dining room and bedroom. Views are obtained across the side property boundary, looking over the roof of the existing dwelling and over the undeveloped section of the adjoining site. Roseth SC notes that *the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.*

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 majority of views in question would be effectively maintained as a result of the proposal. The extent of impacts for each of the outlooks in question, is described as follows:

- Front balcony of No.12: Whilst the proposed new dwelling would be partly visible in views from the balcony of No.12, the majority of the view would be maintained, as shown in **Figure 6**. Importantly, that section of the proposed balcony forward of the 6.5m setback, would *not* contribute to the view loss. When referring to the Perspectives, it should be noted that the section of the balcony extending into the setback is unroofed. (Also of note, the building visible from the balcony of No.12 is the existing dwelling at No.8, which is the limiting factor in the view). View sharing has been further improved through design changes to remove the screening devices adjacent to the western side elevation of the balcony. As a result, the balcony would be entirely open-form, with low-height glass balustrades only (excepting a small privacy screen adjacent to the eastern side boundary and No.8, which does not block views). This would maintain view lines *through* the balcony for the neighbouring property.
- Side balcony of No.12: Views from the side balcony of No.12 would be permitted *over* the rear roof of the proposed new dwelling, as demonstrated in **Figure 7**. This view sharing has been achieved through design amendments to lower the height of the roof, so that it has been reduced to 1.2m above the neighbouring dwelling's floor level and therefore protects the neighbouring viewer's line of sight.
- Central and rear side windows of No.12 (dining room and bedroom): The roof height of the proposed new dwelling would be *below* eye level for the first floor windows of No.12, allowing for standing views from No.12's side windows to be maintained. This is demonstrated in **Figures 7-10**. As outlined above, the design amendments have reduced the rear roof height so that it is 1.2m above the neighbouring dwelling's floor level and therefore protects the neighbouring viewer's line of sight.
- Lounge room of No.12: Outlook from the lounge room windows of No.12 are obtained across No.12's own balcony, and in turn across the side property boundary of No.10. These outlooks already take in No.12's own balcony structures and neighbouring built form. It would therefore be reasonable for some sections of the proposed new dwelling to be visible from No.12's lounge room, but the extent of impact has been reduced through the open-form of the proposed front balcony (refer **Figure 6**) and the reduced-height, shallow pitched form of the rear roof (refer **Figures 7-10**).

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Accordingly, the extent of impact on views has been minimised with respect to the number of views affected, the section of each view that is affected, and the overall extent of impact as a proportion of the total views obtained by the property.

Given the views that are affected are distant, largely dominated by existing development and vegetation in the foreground, and obtained only when looking obliquely across the adjoining site, the resulting view loss may be described as a moderate impact.

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.

The proposal complies with key height, FSR, wall height, side setback and rear setback controls, and therefore the development *would be considered more reasonable than one that breaches them*.

Whilst there is a minor non-compliance with the proposed building envelope, this relates to the south-eastern boundary of the proposal site, and therefore does not impact on No.12 or the views of any other properties. In any case, the minor non-compliance is limited to gutters and downpipes (which WDCP makes exceptions for), and is caused by a depression in natural ground levels along the south-eastern boundary. Compliance with wall heights and side setbacks would still be achieved.

Minor non-compliance is also proposed to the front setback control, but importantly compliance is achieved for the first floor façade (6.8-9.9m setbacks proposed) and garage (6.5-9.3m setbacks proposed) of the proposed dwelling. The non-compliance is limited to the first floor balcony, which is proposed to be setback 3.6-6.7m from the front boundary. The section of the balcony forward of the 6.5m setback, would be open form and unroofed. The amended design has removed the screening devices adjacent to the western side elevation, and as a result the sides of the balcony would also be open-form (low-height glass balustrade only) along their entire length (excepting a small privacy screen adjacent to the eastern side boundary and No.8, which does not block views). Beneath the deck, a minimal structure would minimise the visual bulk and scale of the balcony and would allow for landscaping to be provided at ground level underneath the balcony.

Further, such encroachments for balconies reflect the established pattern of development in the street. Specifically, the adjoining property at No.12 encroaches the front boundary setback, with No.12's balcony setback 3.1-6.3m and the more solid elements of the dwelling at No.12 setback 5.8-8.3m. The adjoining property at No.8 also encroaches the front boundary setback, with No.8's garage and first floor balcony setback 1.2m and other balcony elements setback approximately 5.4m. The encroachment of building elements, and particularly first floor balconies, within the front setback may also be observed for other properties in the street. Accordingly, the proposed positioning of the first floor balcony for the subject dwelling (No.10) responds to the established patterns in the street and would allow the proposed dwelling to integrate with the established streetscape.

Accordingly, despite the minor non-compliance limited to the first floor balcony, the objectives of the front boundary setback provisions would be achieved by maintaining a sense of openness, achieving visual continuity and pattern in the streetscape, and achieving reasonable view sharing.

Therefore, in accordance with the LEC's fourth step, the view impact of the proposed development would be considered acceptable and the view sharing reasonable.

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Summary and conclusion of consistency with the Planning Principle

In summary, the impact of the development on the views of No.12, is limited to partial land and water views with existing built form and vegetation in the foreground. The affected outlook is obtained from an oblique outlook over the side boundary of the adjoining site. The majority of the outlooks from the front balcony, side balcony and side windows, respectively, have been retained given that outlook is afforded *through* the proposed first floor open-form balcony and *over* the rear section of the proposed reduced-height roof. The minor DCP non-compliances for the side boundary envelope and front setback do *not* contribute to overlooking. Overall, the resulting view impact may be described as low.

The assessment undertaken above confirms that the proposed building has been designed in accordance with the principles of view sharing and does not give rise to any unacceptable view impacts. The proposal therefore achieves the Planning Principle for view sharing.

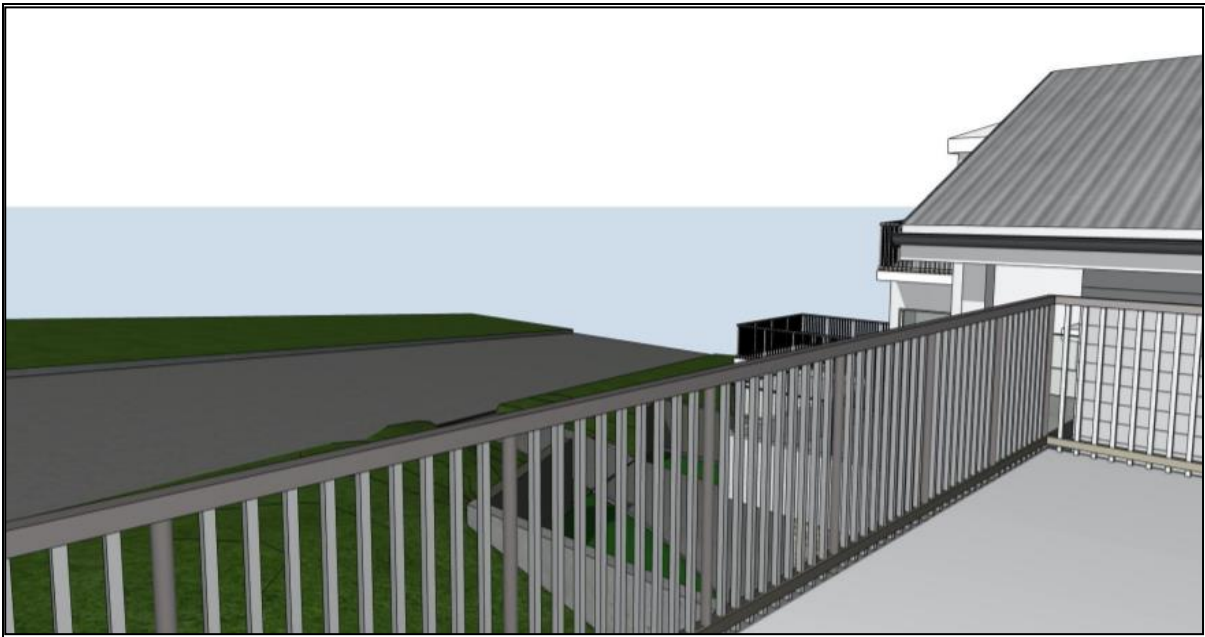


Figure 6. Perspective- Views from Front Balcony of No.12

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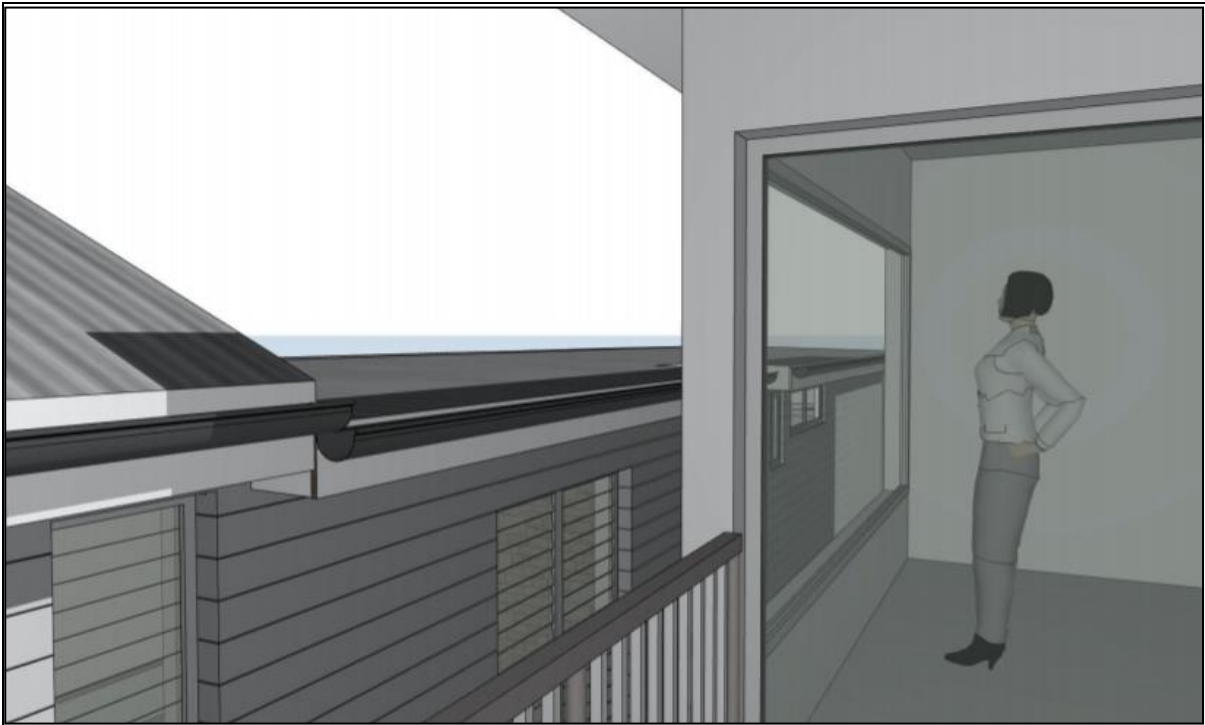


Figure 7. Perspective- Views from Side Balcony and Side Window of No.12

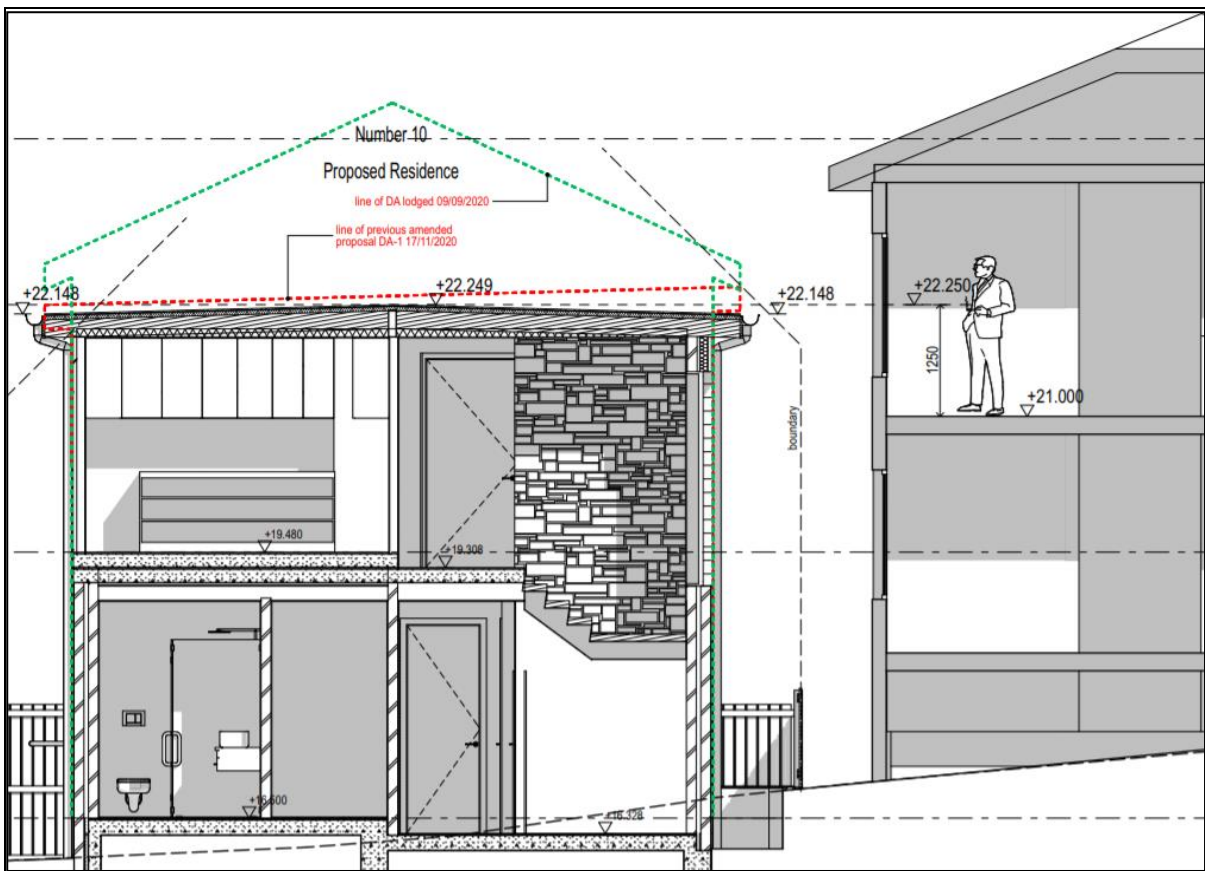


Figure 8. Section- Standing Views from Side Window of No.12

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Figure 9. Perspective- Standing Views from Central Side Window of No.12



Figure 10. Perspective- Standing Views from Central and Rear Side Windows of No.12

5.1.4.2 SOLAR ACCESS

Shadow Diagrams, including Plans and Elevations, are included as part of the Architectural Drawings at **Appendix 2**. This allows for an accurate assessment to be carried out in accordance with Part D6 of WDCP2011, and demonstrates that the proposal maintains adequate solar access to the neighbouring dwellings. Overshadowing has been minimised through the reduced height of the roof form, reduced depth of the building, and additional side and rear setbacks.

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The Shadow Diagrams demonstrate that on the Winter Solstice the dwelling at No.8 would not be affected at 9am, at 12pm only two (2) ground floor windows would be affected, and at 3pm only ground floor windows and the very bottom portion of the first floor windows would be affected by overshadowing. Accordingly, the proposal would not unacceptably impact on solar access for No.8.

For No.12, on the Winter Solstice only ground floor windows would be affected at 9am, and at 12pm and 3pm no windows would be affected. As such, the proposal would not unacceptably impact on solar access for No.12.

5.1.4.3 PRIVACY

The proposal would suitably respect the privacy of neighbouring dwellings, in accordance with Part D8 of WDCP2011.

Further to the original DA and previous amendments, it is now proposed to add plantation shutters to all bedroom windows, to further assist with offsetting any potential overlooking. Opaque glazing is now also proposed for all first floor west-facing windows and for the east-facing living room windows.

Accordingly, overall, privacy for the dwelling at No.8 would be achieved through shutters for all side-facing bedroom windows at ground and first floor levels, opaque glazing of the living room windows, as well as through the horizontal and vertical offsetting of side-facing windows, noting that the first floor of the proposed dwelling is set at a level in-between the first and second levels of the three (3) storey neighbouring dwelling at No.8. To achieve even greater privacy, the Applicant is willing to accept a condition requiring the windows in the eastern elevation of the living room to be obscure-glazed. It is also noted that the proposal provides compliant side setbacks, and that the only extension into the building envelope relates to guttering and downpipes and therefore would not give rise to privacy concerns.

For No.12, privacy would similarly be suitably respected through the offsetting of windows. As No.12 is situated upslope from No.10, the first floor windows of the proposed new dwelling would be set at a level lower than the first floor windows of the existing dwelling at No.12 and would therefore avoid opportunity for direct line of sight. In any case, the Applicant is willing to accept a condition requiring all first floor windows in the western elevation to be obscure-glazed.

At ground level, overlooking would be avoided to both neighbouring properties through boundary fencing. An additional privacy screen is proposed adjacent to the proposed entry for the new dwelling. Further, in accordance with the natural topography of the land, the ground level of No.10 and correspondingly the ground floor and entry for the proposed dwelling, would be set at a lower level than neighbouring No.12. As a result, the proposal would not overlook the neighbouring dwellings, including at the ground level entry adjacent to the side boundary.

5.1.5 PARKING AND ACCESS

The proposal provides on-site parking for two (2) vehicles within the garage, thereby complying with the WDCP2011 parking rates. Whilst a new driveway would be constructed to facilitate access to the garage, the existing kerb crossing would be retained. Therefore, the existing access arrangements from the external road network would continue to service the property.

5.1.6 STORMWATER AND CIVIL ENGINEERING

Details of stormwater management for the proposed dwelling are provided in the Civil Plans at **Appendix 5**. In summary, a 10,000L underground rainwater tank would capture all roof water, and less than 20% of runoff from impervious surfaces would bypass on-site detention (OSD). The rainwater tank would therefore offset the need for additional OSD storage.

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Subsequent to the original DA and previous Additional Information Response, the channel previously proposed to pass through the backyard has now been deleted, and the scheme has been amended to incorporate a low height retaining wall and otherwise to retain the existing topography of the backyard.

During the carrying out of all works, erosion and sediment control would be implemented in accordance with the plans at **Appendix 5**.

5.1.7 FLOODING

As outlined in the Hydraulic Report and Flood Study at **Appendices 6** and **7**, the site is currently affected by overland flows during the 1:100 ARI storm event.

Based on the External Catchment Assessment Report undertaken, it has been shown that the new residence can be constructed on the site with a nil impact on surrounding properties and within the guidelines imposed by the regulatory authorities.

5.1.8 GEOTECHNICAL ENGINEERING

The Preliminary Geotechnical Assessment (**Appendix 8**) outlines that the site shows no indications of historical movement in the natural surface that could have occurred since the property was developed, and there is no history of instability on the property.

The report concludes that, provided good engineering and building practice are followed, no further geotechnical assessment is recommended for the proposed development.

5.1.9 HERITAGE

The subject site is not identified as a heritage item or heritage conservation, and is not located nearby to any heritage items or conservation areas.

5.1.10 WASTE

Details of waste generated during construction and operation are provided in the Waste Management Plan at **Appendix 11**.

5.1.11 CONSTRUCTION

All works on the site would be carried out in accordance with the conditional requirements of any consent issued.

5.1.12 CUMULATIVE IMPACTS

No foreseeable cumulative impacts would result from the proposed development. Rather, the proposal would replace an existing dwelling with a new architecturally-designed home set within a landscaped setting, in an established residential area.

5.2 SUITABILITY OF SITE FOR DEVELOPMENT

The site is situated within an established residential area and has historically been occupied by a dwelling house. The proposal would support the continued residential use of the site, by enabling the development of a new family home designed to provide the occupants with a high standard of living.

As demonstrated through this SEE and the supporting appendices, the proposed dwelling would respect neighbouring amenity, integrate with the established streetscape and positively contribute to the visual character of the area.

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The site is therefore highly suitable for the proposed development.

5.3 SUBMISSIONS

One (1) submission was received in response to the notification of the original DA, and raised concerns regarding water views, visual privacy and amenity.

The submission describes that the dwelling at No.12 currently enjoys views of the water toward Curl Curl and the Manly Headland, from the first floor front verandah, lounge room, dining room and bedroom. It is acknowledged that the submission describes the existing views as 'highly valuable' towards the northeast and southeast and 'valuable' towards the east. The submission states that the views are obtainable from both sitting and standing positions, and from the plans and photographic evidence it is clear that the views are obtained across the side property boundary.

The submission suggests that the proposal would cause complete loss of water views to the east, complete loss of headland views to the southeast and extensive loss of views to Curl Curl Beach at the northeast. As a result, the submission concludes that the impact to views would be severe.

To address the concerns raised in the submission, design amendments have been adopted and additional assessment of the impact on views arising from the proposal, has been undertaken. As demonstrated in **Section 5.1.4.1** of this SEE and the Tenancy assessment contained therein, the proposal would *not* have an unacceptable impact on the views enjoyed by the neighbouring property. Rather, the proposal would achieve the LEC principles for view sharing and would be consistent with the view sharing requirements in Part D7 of WDCP2011.

This effective view sharing has been assisted by the proposed design amendments, including:

- The side privacy screen of the first floor balcony has been removed, as expressly required by the submission.
- The overall height of the dwelling has been reduced so that the rear section is 1.2m above the neighbouring dwelling's floor level and therefore protects the neighbouring viewer's line of sight.
- The depth of the dwelling has been reduced by stepping the building in from the rear. This would remove entire sections of the building from the neighbouring view lines, where they take in the rear portion of the subject site.
- The extent of the first floor balcony roof has been reduced, achieved by setting the roofline back an additional 300mm from the front boundary. This would further reduce north-easterly view impacts for No.12.

Therefore, the matters raised in the submission relating to views, have been adequately addressed and no outstanding issues are considered to persist in this regard.

The submission also requests that additional privacy is achieved through a condition requiring first floor windows in the northwest elevation to be obscure glazed. The Applicant is willing to accept a condition requiring all first floor windows in the western elevation to be obscure-glazed. Accordingly, the privacy concerns of the submission have been wholly addressed.

Should any submission be received to this revised DA, the Applicant is willing to address any matters raised therein.

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5.4 THE PUBLIC INTEREST

The proposed development would have no adverse impact on the public interest. Rather, the proposal would support the delivery of a new architecturally-designed dwelling that would provide a high standard of living for the occupants, respect neighbouring amenity, integrate with the streetscape and positively contribute to the visual character of the area.

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PART F CONCLUSION

The proposal for 10 Gardere Ave, Curl Curl, would support the delivery of a new architecturally-designed dwelling that would provide a high standard of living for the occupants, respect neighbouring amenity, integrate with the streetscape and positively contribute to the visual character of the area.

This SEE provides an assessment of the proposal against the relevant components of the environmental planning framework, including WLEP2011 and WDCP2011. The assessment finds that the proposal is consistent with the objectives and controls of the relevant instruments and policies. No significant environmental, economic or social impacts have been identified as likely to arise from the proposed development.

In overview, it is considered the proposal should warrant a positive assessment for the following compelling reasons:

- The proposal would support the replacement of the existing dwelling on the site with an architecturally-designed home integrated within a landscape setting, that would uplift the visual quality and character of the site and streetscape.
- The proposed dwelling has been designed to create a highly amenable living space for the occupants, whilst respecting the amenity of neighbouring residences and integrating with the street scene.
- All matters previously raised by Council with regard to the original DA have been addressed, including through significant design amendments and detailed technical assessments. Accordingly, the proposal subject of this DA has *already* been acknowledged by Council to achieve view-sharing, privacy, solar access and general amenity for neighbouring properties, and to provide an acceptable design outcome for the site and streetscape.
- The site is zoned for the purpose of low density residential uses, and the proposed dwelling house is permissible with consent in the R2 zone pursuant to WLEP2011.
- The proposal would comply with the WLEP2011 development standards and other relevant provisions.
- The proposal is largely consistent with the relevant WDCP2011 provisions, and where minor variation to the controls is proposed, it has been demonstrated that the WDCP2011 objectives would be achieved.

As stipulated previously in this SEE, the matters for consideration under Section 4.15 of the EP&A Act have been satisfactorily addressed demonstrating the proposal is compatible with the surrounding environment. Accordingly, it is recommended that Council grant development consent to the proposal.