

## **Statement of Environmental Effects**

**For the demolition of the existing building and construction of a new two storey dwelling house and carport and parking platform, at 2 Wyadra Avenue, Freshwater.**



**Prepared for Megan and Mark Aubrey and  
Peter Stutchbury Architecture.**

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**TABLE OF CONTENTS**

	<b>Page</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. The Site and the Locality</b>	<b>3</b>
<b>3. The Proposal</b>	<b>6</b>
<b>4. Development Controls and Policies</b>	<b>8</b>
<b>5. Evaluation pursuant to Section 4.15 of the EP&amp;AACT 1979</b>	<b>8</b>
<b>5.1 Environmental Planning Instruments</b>	<b>8</b>
<b>5.2 Draft Environmental Planning Instruments</b>	<b>14</b>
<b>5.3 Development Control Plans</b>	<b>14</b>
<b>5.4 Planning Agreements</b>	<b>25</b>
<b>5.5 Matters prescribed by the regulations</b>	<b>26</b>
<b>5.6 The likely impacts of the proposed development</b>	<b>26</b>
<b>5.7 The suitability of the site for the development</b>	<b>26</b>
<b>5.8 Submissions made in accordance with the Act or Regulations</b>	<b>26</b>
<b>5.9 The public interest</b>	<b>26</b>
<b>6. Conclusions</b>	<b>27</b>

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## 1. Introduction

This statement has been prepared for a development application for the demolition of the existing building and construction of a new two storey dwelling house and a carport and parking platform, at 2 Wyadra Avenue, Freshwater.

The purpose of this statement is to describe the proposed development and review the relevant planning requirements relating to the proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

In the preparation of this Statement of Environmental Effects, the site and the locality have been inspected and consideration has been given to the plans prepared by Peter Stutchbury Architecture, Reference No.DA001 to DA008, DA100 to DA104, DA200 to DA202 and DA300 to DA301, dated 11 March 2022 and 15 March 2022 and Survey Plan by Stutchbury Jaques Pty Ltd, Reference No. 8818/14, dated 10 June 2020 and updated 14 September 2021.

The merits of the proposal in terms of the design and the particular context of the site have been considered with reference to the relevant State, Regional and Warringah planning instruments, codes and policies of the Northern Beaches Council.



Figure 1: Locality Map

## ***History and Background***

A development application for construction of a dwelling house and driveway and subdivision of one lot into two lots at 16 Ellen Street (DA2015/1123) was approved by the Northern Beaches Council on 9 June 2016. The consent has been activated and the new lot at 2 Wyadra Avenue has been registered and physical works have commenced on 2 Wyadra Avenue by the construction of the driveway within the access handle from Wyadra Avenue to the new lot.

Council approved development application DA2020/0147 on 18 November 2020, relating to the consolidation of three lots to create three lots, (no increase in lots). The purpose of this DA was to adjust the boundary between 16 Ellen Street and 2 Wyadra Avenue by adding a small area at the bottom of the cliff to the rear of 16 Ellen Street as the function and use of this area is more suitable as part of 16 Ellen Street. The second and most significant element of this proposal was to add the rear of 14 Ellen Street on top of the cliff where the existing secondary dwelling is located, to 2 Wyadra Avenue to increase the width and area of 2 Wyadra Avenue. A right of carriageway (ROW) is also proposed along the southern boundary of 14 Ellen Street, in favour of 2 Wyadra Avenue for pedestrian access (footway) to Ellen Street. An envelope design for a new dwelling house was submitted with this application to show an indicative design in accordance with the applicable planning controls for height, setbacks and impermeable area and landscaping.

This development application is for the demolition of the existing secondary dwelling (presently at the rear of 14 Ellen Street) and construction of a new two storey house, parking platform and carport on proposed Lot 202, 2 Wyadra Avenue. The design is consistent with the indicative dwelling endorsed by Council as part of the consent to DA2020/0147 and by owners of the adjoining properties at 23 and 25 Loch Street.

A Subdivision Certificate is yet to be approved and it is anticipated that the consent for the new house will likely be subject of a deferred commencement consent conditional on a Subdivision Certificate being approved and the new Lot and Deposited Plan being formally registered. Conditions 14, 15, 16, 17, 18, 19 and 20 of the development consent DA2020/0147 being complied with before the consent for the new dwelling house becomes operational.

The design of the new house will comply with the building envelope depicted on the approved drawings reference DA1 Amend 1-001, DA1 Amend 1 -200, DA1 Amend 1-301, DA1 Amend 1 -302, DA1 Amend 1 – 303 all dated 22 September 2020 and prepared by Peter Stutchbury Architects.

## 2. The Locality and the Site

### The Locality

The locality is characterised by detached dwelling houses of two and three storeys in Loch Street and Wyadra Avenue. The area has an emerging character with older style dwelling houses being replaced with larger contemporary style dwelling houses.

There is a three storey 1960's residential flat building on the corner of Loch Street and Wyadra Avenue and Stewart House is a prominent site at the north end of Ellen Street and east of the junction of Loch Street and Wyadra Avenue.

Wyadra Avenue and Loch Street are positioned on the upper slope above the south end of South Curl Curl Beach.

### The Site

Lot 202, 2 Wyadra Avenue is a battle axe shaped allotment with a narrow access handle with a new concrete driveway from Wyadra Avenue. There is a set of timber stairs for access from the driveway to the body of the site which is rectangular in shape on top of a cliff above and behind 14 Ellen Street 16 Ellen Street and below 23 and 25 Loch Street. There is an existing elevated single storey building on the south half of the lot that was previously part of 14 Ellen Street prior to the subdivision. The land will have a total area of 686m<sup>2</sup> including the access handle.

The houses above and behind the site in Loch Street are mostly two storey houses of various styles and sizes.



Photograph 1: The vehicle entry to the site from Wyadra Avenue.





Photograph 2: The existing driveway access handle to the body of the subject site. The adjoining house on the right is at 25 Loch Street.



Photograph 3: The rear of the properties adjoining 2 Wyadra Avenue at 23 Loch Street and 25 Loch Street on the right.



Photograph 4: 1960's flat building opposite on the corner of Wyadra Avenue and Loch Street.



Photograph 5: The vacant battle axe lot at 2 Wyadra Avenue viewed from the end of the driveway. The secondary dwelling, in the background is at the rear of 14 Ellen Street, now part of the subject site, 2 Wyadra Avenue.





Photograph 6: The open views of the ocean and South Curl Curl Beach from the eastern end of the driveway, right of way of 2 Wyadra Avenue. The roofs of the houses at 16 Ellen Street and 14 Ellen Street are visible in the foreground, on the right.

### 3. The Proposal

The proposal involves the demolition of the existing building on the south half of the site and construction of a new two storey house and related parking platform, turntable and a carport.

The proposal includes a mechanical turntable at the end of the driveway to allow vehicles to turnaround and exit the site in a forward direction. A parking platform for one car is proposed on the eastern side of the turntable adjoining the northern boundary and a carport with masonry columns and Cemintel vertical screen walls and a concrete roof is accessed on the south side of the turntable. At the south end of the carport is a bin store and the lift for access down to the entry level of the house. There is also an external stair on the side of the carport of access to down to the first floor entry level.

#### ***First Floor - Entry Level and Bedroom Level.***

There is an open entry court at the bottom of stair adjacent to the lift leading to the front entrance to the house. There is also a series of random width timber steps leading to a covered outdoor space under the carport, and a deco granite paved terrace and a grotto formed by the existing sandstone rock features under the parking platform.

The entry court opens to a long breezeway that is open to the void to a courtyard garden on the slope below on the western side of the ground floor. Bedroom 4 is a double room, located at the front off the entry and Bedroom 3 and a



bathroom are located at the rear in the south west corner. On the other side of the breezeway is Bedroom 2 and the main bedroom suite that overlooks the double height space to the dining room and the terrace below on the north east corner. There is a powder room next to the entry foyer and the internal stair for access down to the living level of the house. The eastern wall of this level is a curved wall, following the general alignment of the rock ledge on the level below.

It will be sited 900mm from the western boundary and 1.5m from the southern boundary.

### ***Ground Floor - Ledge Level and Living Level.***

This is the main living area of the house on the rock ledge level.

At the bottom of the stair is a small study and the laundry and WC and a store and cellar behind the kitchen, accessed from outside.

On the east side of the stair is a TV room in the south east corner and the open plan living room, dining room and kitchen on the north end of this level. There is access from the dining room and the kitchen to the outdoor terrace on the north east corner.

At the back, west side of this level are service areas comprising the water tank storage and OSD tank, either side of the internal courtyard garden and a surfboard storage area under Bedroom 3 and an adjoining drying court and outdoor shower on the south side.

There is an external timber and concrete stair (Stair 3) on the south east corner of this level that provides the access to Ellen Street via a right of carriageway along the south side of 14 Ellen Street.

This level will also be sited 900mm from the western boundary and 1.5m from the southern boundary.

### ***Materials and Finishes***

The materials and finishes include a combination of timber and concrete external walls and Cemintel panel walls and timber framed windows and external doors. Vertical timber blades are also proposed on the eastern façade for solar control and as a veil to the windows and outdoor spaces.

The roof will be a flat concrete roof with a membrane covering and sandstone pebble ballast finish. Circular skylights with louvre screens are proposed to the bathroom, the main bedroom ensuite, the powder room and the void to the dining room. Solar panels are proposed either side of the breezeway with a slight angle to the north and positioned no higher than the roof parapet (RL41.840).

## 4. Development Controls and Policies

The Warringah Local Environmental Plan 2011 (the LEP) is the main planning instrument for this part of the Northern Beaches Council area. It was gazetted on 9 December 2011 and last amended on 1 December 2021. It includes the aims and objectives and land use tables and development standards relating to minimum lot size and height of buildings.

The Warringah Development Control Plan 2011 (the DCP) is a comprehensive DCP, which contains the detailed provisions relating to all forms of development in the Warringah area of the Northern Beaches Council area. The provisions of the DCP are in addition to and complementary to the LEP.

The following State Environmental Planning Policies and Sydney Regional Environmental Plans are applicable to the site and the proposal:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

## 5. Evaluation Pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979

### 5.1 Environmental Planning Instruments

#### **State Environmental Planning Policies and Sydney Regional Environmental Plans**

##### ***State Environmental Planning Policy (Resilience and Hazards) 2021.***

##### ***Chapter 2 Coastal Management***

In relation to the coastal zone, the aim of Chapter 2 Coastal Management is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.

The subject site is not identified as being within the Coastal Environment Area and Coastal Use Area on the Coastal Environment Area Map and Coastal Use Area Map.

Therefore, the matters for consideration in Clause 2.10 and Clause 2.11 of the SEPP do not apply.

## **Chapter 4 Remediation of Land**

The object of this Chapter is to provide a State-wide approach to the remediation of contaminated land for the primary purpose of reducing the risk of harm to human health or any aspect of the environment.

Clause 4.6 of the SEPP is relevant and outlines the matters for consideration by a consent authority in determining a development application.

The land has in the past been used exclusively for residential purposes and there is no history to suggest that any contaminating uses previously occurred on this site or in the vicinity. Council can therefore be satisfied that the land is not contaminated and therefore remediation of the land is not required.

### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

BASIX, the Building Sustainability Index, ensures residential developments are designed to use less potable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

A BASIX assessment has been carried out and a BASIX certificate has been obtained confirming that the targets for thermal comfort and energy efficiency and water conservation have been met.

The BASIX Certificate is submitted with the development application.

### ***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

## **Chapter 2 Vegetation in non-rural areas.**

The aims of this Chapter are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

*Council may authorise vegetation clearing provided that:*

- the clearing does not exceed the biodiversity offsets scheme threshold pursuant to the Biodiversity Conservation Act 2016;*
- the vegetation is not part of a heritage item or a heritage conservation area, or*
- the vegetation neither is or forms part of an Aboriginal object or that is an Aboriginal place of heritage significance.*

The subject application will not result in the clearing of any native vegetation or clearing that exceeds the biodiversity offsets scheme and does not involve clearing that is or forms part of a heritage item or a heritage conservation area or is or forms part of an Aboriginal object or that is a known Aboriginal place of heritage significance.

## Local Environmental Plans

### ***Warringah Local Environmental Plan 2011 (the LEP)***

#### ***Permissibility***

The land is within the R2 Low Density Residential Zone of the Warringah Local Environmental Plan 2011 (the LEP). Dwelling houses and ancillary development are permissible with development consent in accordance with the Land Use Table of the LEP.



Figure 2: Extract from Warringah Land Zoning Map. The map does not as yet extend to the rear western portion of 14 Ellen Street (part of Lot 202) that is within Zone R2.

The following provisions of the LEP are relevant to the proposal:

The aims of the plan are set out in Clause 1.2.

The objectives of the R2 Low Density Residential 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 proposal will be consistent with the aims and objectives of the LEP and the objectives of the R2 Low Density Residential Zone.



**Clause 4.1 Minimum subdivision lot size**

*(1) The objectives of this clause are as follows—*

- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) to achieve low intensity of land use in localities of environmental significance,*
- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- (f) to protect and enhance existing remnant bushland,*
- (g) to retain and protect existing significant natural landscape features,*
- (h) to manage biodiversity,*
- (i) to provide for appropriate stormwater management and sewer infrastructure.*

*(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

*(3A) For the purposes of subclause (3), in calculating the size of a lot the area of any access corridor (including any right of carriageway, access way or other area that provides for vehicle access) is to be excluded, whether the access corridor is to be created or is in existence at the time of the application for development consent for the subdivision.*

*(4) This clause does not apply in relation to the subdivision of any land—*

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
- (b) by any kind of subdivision under the Community Land Development Act 1989.*

A minimum lot size of 450m<sup>2</sup> applies in accordance with Clause 4.1(3) of the LEP.

The land comprising Lot 202 has an area of 686m<sup>2</sup>, 587m<sup>2</sup> excluding the access handle and therefore complies with the minimum lot size standard.

**Clause 4.3 Height of buildings**

*(1) The objectives of this clause are as follows:*

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss*

*of solar access,*

*(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*

*(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

A maximum building height of 8.5m applies in accordance with the Height of Buildings Map and shown green in "I" on the Warringah Height of Buildings Map. The proposed house will be 6.84m in height measured to the parapet of the curved eastern side of the roof at RL41.84 above RL35.0 and is therefore well below the maximum height of buildings standard. The tapered outer edge of the roof is slightly lower at RL41.34 and will be 6.56m in height in the same location, slightly east and also complies.

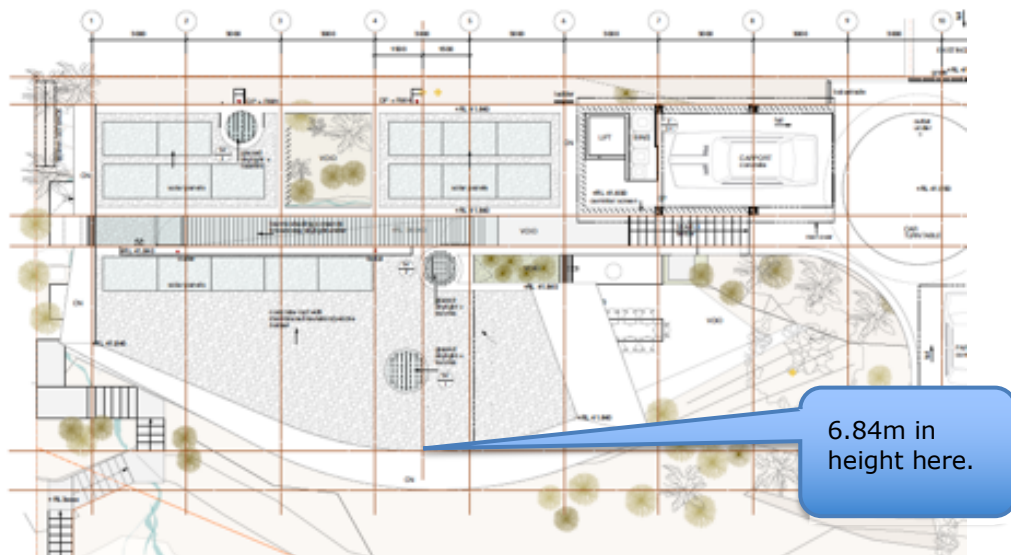


Figure 3: Extract from Drawing DA103, Level 3 Plan of the roof showing the highest part of the roof above the existing ground level.

### **Clause 5.10 Heritage conservation**

*Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

*(1) Objectives The objectives of this clause are as follows—*

*(a) to conserve the environmental heritage of Warringah,*

*(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

*(c) to conserve archaeological sites,*

*(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

*(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The subject site adjoins Part Lot 1496, DP752038, Carrington Parade South Curl Curl, which is listed as I128 and described as the Building known as "Stewart House", in Schedule 5 of the LEP as a heritage item of local heritage significance.

The proposed new dwelling house and associated parking platform, turning area and carport will not affect the heritage significance of the building known as Stewart House, or its curtilage and setting.

#### **Clause 6.4 Development on sloping land**

*(1) The objectives of this clause are as follows:*

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

*(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

The site is located in Area B – Flanking Slopes 5° to 25° and Area C – Slopes being greater than 25° as shown on the Landslip Risk Map.

A Geotechnical Investigation and Landslip Risk Assessment report prepared by Crozier Geotechnical Consultants, dated March 2022, is submitted with the development application. The report supplements previous geotechnical investigations and reports dated 25 September 2015 and 12 November 2020.

Section 5 of the report includes the following conclusions:

*The site and adjacent properties are underlain by generally shallow layers of sandy soil overlying sandstone bedrock from  $\leq 0.70\text{m}$  depth with outcropping sandstone bedrock of at least medium strength visible in numerous locations.*

*The proposed works involve the construction of a new two storey residential dwelling with attached carport and will include a lift shaft. The lift shaft will require a localized excavation to approximately  $3.0\text{m}$  below existing ground levels and is situated within  $1.0\text{m}$  from a shared boundary. The proposed First Floor Level and water tanks of the dwelling will require some additional excavations however these appear to be  $<1.0\text{m}$  in depth.*

*The inspections identified two natural landslip hazards related to the existing site and one potential hazard related to the proposed residential development.*

*Whilst the risk assessment identified some of the risk levels as being marginally 'Acceptable' when compared to the AGS criteria, it is recommended that an underpinning system be implemented to the overhang based on future detailed geotechnical inspection. Provided this occurs and the excavation/construction inspections detailed within this report the risk from all hazards will be well within the "Acceptable" risk level for the life span of the proposed development, taken as 100 years.*

## 5.2 Draft Environmental Planning Instruments

There are no draft planning instruments applicable to the site and the proposal.

## 5.3 Development Control Plans

### **Warringah Development Control Plan 2011 (the DCP)**

#### **Part B Built Form Controls**

##### **Part B1 Wall Heights**

###### *Objectives*

- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- To ensure development is generally beneath the existing tree canopy level.*
- To provide a reasonable sharing of views to and from public and private properties.*
- To minimise the impact of development on adjoining or nearby properties.*
- To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- To provide sufficient scope for innovative roof pitch and variation in roof design.*



### *Requirements*

*1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).*

### *Exceptions*

*This control may be varied on sites with slopes greater than 20% within the building footprint (measured at the base of the external walls), provided the building:*

- does not exceed the 8.5 metre height development standard;*
- is designed and located to minimise bulk and scale; and*
- has a minimal visual impact when viewed from the downslope sides of the land.*

The site is located in Area C – Slopes being greater than 25° as shown on the Landslip Risk Map of the LEP.

The wall height varies from 4.140m to 6.840m and the proposed two storey dwelling will comply with the 8.5m height of buildings standard to the highest part of the roof which is also 6.84m and substantially less than the maximum height standard.

The design and location of the new house is also acceptable in terms of minimising bulk and scale and will have an acceptable visual impact when viewed from downslope and from South Curl Curl Beach. It will be an appropriate fit in the context of the surrounding development on the slope as shown in the photomontage submitted with the development application.

### ***Part B2 Number of Storeys***

The proposed dwelling will contain a maximum of two storeys even though this part of the DCP does not apply to 2 Wyadra Avenue as the subject site is not shown coloured on the DCP Map for the Number of Storeys.

### ***Part B3 Side Boundary Envelope***

Objectives:

- To ensure that development does not become visually dominant by virtue of its height and bulk.*
- To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- To ensure that development responds to the topography of the site.*

A side boundary envelope determined by a projecting plane at 45 degrees at a height of 5m above ground level at the boundary line, applies in accordance with the Side Boundary Envelope Map.

The proposed dwelling house will fit within the side boundary building envelope.

**Part B5 Side Boundary Setbacks**

The objectives are:

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

A minimum side setback of 0.9m applies in the R2 Zone.

The new house will be setback 900mm to the western boundary and 1.5m to the southern boundary. Even if the western boundary was considered as the rear boundary it is an internal boundary to 23 Loch Street and 25 Loch Street. The objectives of the rear setback controls are discussed in the following Part B9 - Rear Boundary Setbacks.

Positioning the new dwelling towards the western and southern sides of the site will allow for views from properties behind the site in Loch Street over the eastern edge or leading edge of the roof of the new building.

The proposal will be consistent with the side setback guidelines in terms of the provision of landscaping, bulk and scale, separation between buildings and solar access, view sharing and privacy.

**Part B7 Front Boundary Setbacks**

The objectives are:

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The minimum front boundary setback is 6.5m in the R2 Zone.

2 Wyadra Avenue is a battle axe shaped lot and does not have a presence in the street or a front setback to Wyadra Avenue and therefore the front setback control does not apply.

**Part B8 Merit assessment front boundary setbacks**

This part does not apply to the proposal.

**Part B9 Rear Boundary Setbacks***Objectives*

- *To ensure opportunities for deep soil landscape areas are maintained.*

- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

### *Control*

*A minimum 6m rear setback applies in accordance with the Rear Boundary Setback Map of the DCP.*

The subject site does not have a rear setback in the traditional sense due to the battle axe shape of the land. If the western boundary was considered as the rear boundary it is actually an internal boundary to 23 Loch Street and 25 Loch Street.

Notwithstanding, the proposed rear setback of 900mm in this case would not be inconsistent with the above objectives. It will achieve the required landscaped area of 292m<sup>2</sup> for the site slightly more than the minimum 40% of the site. Landscaping can also be provided in the setback area to screen and soften the appearance of the lower part of the building. Due to the need to locate any new dwelling away from the rock shelf and cliff edge, a 6.0m rear setback is not practical. The height of the building at the rear will be 4.14m, which is well below 8.5m in height and 7.2m for the wall height.

If taken to be the western boundary of this battle axe shaped lot, the rear setback will not be inconsistent with the rear boundary setback objectives.

### ***Part B10 Merit assessment rear boundary setbacks***

For the reasons outlined the rear setback proposed to the western boundary is reasonable and appropriate.

### ***Part B11 Foreshore Building Setback***

This part does not apply to the proposal.

### ***Part B12 National Parks Setback***

This part does not apply to the proposal.

### ***Part B13 Coastal Cliffs Setback***

This part does not apply to the proposal.

### ***Part B14 Main Roads Setback***

This part does not apply to the proposal.

## **Part C Siting Factors**

### **Part C1 Subdivision**

#### *Objectives*

- *To regulate the density of development.*
- *To limit the impact of new development and to protect the natural landscape and topography.*
- *To ensure that any new lot created has sufficient area for landscaping, private open space, drainage, utility services and vehicular access to and from the site.*
- *To maximise and protect solar access for each dwelling*
- *To maximise the use of existing infrastructure.*
- *To protect the amenity of adjoining properties.*
- *To minimise the risk from potential hazards including bushfires, land slip and flooding.*

#### *Requirements*

1. *R2 Low Density Residential zone requirements:*
2. *Proposed new allotments:*
  - a) *Minimum width: 13 metres*
  - b) *Minimum depth: 27 metres; and*
  - c) *Minimum building area: 150m<sup>2</sup>*

The proposal does not involve subdivision of the land. The approved Lot 202 (DA2020/0147) has a total area of 686m<sup>2</sup>, and 587m<sup>2</sup> excluding the access handle and will therefore comply with the minimum lot size standard of 450m<sup>2</sup> of Clause 4.1(3) of the Warringah LEP

### **Part C2 Traffic Access and Safety**

#### *Objectives*

##### *To minimise:*

- *traffic hazards;*
- *vehicles queuing on public roads*
- *the number of vehicle crossings in a street;*
- *traffic, pedestrian and cyclist conflict;*
- *interference with public transport facilities;*
- *the loss of "on street" kerbside parking.*

Access to the site by the existing driveway will allow for access to parking on the open platform and in the carport and provision for a mechanical turntable to allow cars to turnaround and exit the site in a forward direction.

A Driveway Traffic Assessment prepared by TTW dated 16 March 2022 is submitted with the development application.



### ***Part C3 Parking Facilities***

A level area is proposed at the end of the driveway for a mechanical turntable to allow cars to turnaround and exit the site in a forward direction. An open parking platform for one car is proposed on the eastern side of the turntable adjacent to the northern boundary. A single car carport is also proposed on the south side of the turntable in an elevated position on the north side of the house.

### ***Part C4 Stormwater***

There is a current approval for a dwelling house on the site and for on site detention of stormwater and disposal via the existing drainage system and easement along the northern side of 16 Ellen Street. The stormwater drainage system including the piped drainage easement for 2 Wyadra Avenue is already in place.

The new house will also be subject to on site detention (OSD) and disposal via the existing drainage easement. An updated Site Stormwater Management design prepared by JCL Development Solutions, dated 23 March 2022 is submitted with the development application.

### ***Part C5 Erosion and Sedimentation***

#### *Objectives*

- *To reduce the potential for soil erosion and adverse sedimentation impacts upon the environment.*
- *To prevent the migration of sediment off the site onto any waterway, drainage systems, public reserves, road reserve, bushland or adjoining private lands.*
- *To prevent any reduction in water quality downstream of the development site.*

An erosion and sediment control plan prepared by JCL Development Solutions, is included on Peter Stutchbury Architecture drawing DA100, dated 15 March 2022, submitted with the development application.

### ***Part C6 Building over or adjacent to Constructed Council Drainage Easements***

This part is not applicable.

### ***Part C7 Excavation and Landfill***

The objectives are:

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*
- *To maintain and enhance visual and scenic quality.*

The proposal for a new dwelling house at 2 Wyadra Avenue will involve minimal excavation and filling. There will be a minor amount of the excavations to depth of approximately 720mm at the back of the living room.

### **Part C8 Demolition and Construction**

#### *Objectives*

- *To manage demolition and construction sites so that there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.*
- *To promote improved project management by minimising demolition and construction waste and encouraging source separation, reuse and recycling of materials.*
- *To assist industry, commercial operators and site managers in planning their necessary waste management procedures through the preparation and lodgement of a Waste Management Plan.*
- *To discourage illegal dumping.*

The management of demolition of the existing building and construction of the new building will be carried out strictly in accordance with the Regulations and any conditions of development consent.

### **C9 Waste Management**

#### *Objectives*

- *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- *To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.*
- *To design and locate waste storage and collection facilities which are convenient and easily accessible; safe; hygienic; of an adequate size, and with minimal adverse impacts on residents, surrounding neighbours, and pedestrian and vehicle movements.*
- *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
  - *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
  - *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
  - *To discourage illegal dumping.*

The above objectives will be met.

## ***Part D Design***

### ***Part D1 Landscaped Open Space and Bushland Setting***

The objectives are:

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *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.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meets the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

A minimum of 40% landscaped open space is required in accordance with Landscaped Open Space and Bushland Map.

2 Wyadra Avenue has an area of 686m<sup>2</sup> including the driveway access handle. The permissible impervious area on the site is 60% or 411.6m<sup>2</sup>. The proposal includes impermeable area including the driveway and the dwelling house, carport and parking platform of 394m<sup>2</sup> which is 57.4% and therefore less than the permissible 60%. The landscaped open space has been calculated to be 292m<sup>2</sup> which is 42.5% of the site and therefore slightly exceeds the minimum 40% required.

The proposed landscaped open space is considered to be adequate and complies with the minimum 40% required for the site. It will be consistent with the objectives particularly in relation to conserving habitat and wildlife corridors, recreational opportunities and infiltration of stormwater.

### ***Part D2 Private Open Space***

The proposal includes substantial areas of private open space for the residents of the dwelling house on the north east corner terrace and vacant area above the cliff. In accordance with the objectives and requirements of Part D2, an area greater than 60m<sup>2</sup> will be available for private open space.

### ***Part D3 Noise***

The proposal does not involve any installations that would be likely to give rise to noise levels in excess of 5dB(A) above the ambient background noise levels.

### ***Part D4 Electromagnetic Radiation***

Not applicable.

## **Part D6 Access to Sunlight**

The objectives are:

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To maximise the penetration of mid winter sunlight to windows, living rooms, and high use indoor and outdoor areas.*
- *To promote passive solar design and the use of solar energy.*
- *To minimise the need for artificial lighting.*

Requirements:

- 1. Development should avoid overshadowing any existing solar collectors for hot water or electricity.*
- 2. Development should avoid overshadowing any public open space.*
- 3. The shadow cast by fences, roof overhangs and changes in level are to be considered and should be shown on the shadow diagrams submitted with the application.*
- 4. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*
- 5. Windows to the principal living area of each dwelling and the principal living area of each adjoining dwelling (i.e. at least 50% of the glazed area of those windows) are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

Shadow diagrams have been prepared for 9am, 12noon and 3pm on June 21 in plan and for hour by hour from 9am to 3pm in perspective.

The shadow analysis confirms that the proposal will involve only a minor impact on solar access to a small area at the rear of 25 Loch Street at 10am (caused by the carport) and to the deck at the rear of the house at 12 Ellen Street in the afternoon period between 2pm and 3pm on June 21. The deck at the rear of the house at 12 Ellen Street will maintain more than 3 hours solar access on the shortest winter day.

The houses at 12 and 14 Ellen Street and the principle open space at the front of the houses facing the beach will continue to receive sunlight for the requisite period of the day on June 21 in accordance with the solar access requirements of the DCP.

## **Part D7 Views**

There was extensive consideration given to views and views sharing as part of the assessment of the subdivision DA and during the consultation process with the owners of neighbouring properties. During the development application assessment process height poles were erected on site depicting the approved dwelling house (DA2015/1123) and the indicative dwelling house (DA2020/0147). Following consultation with neighbours and their consultants and with Council planning staff, amended plans were submitted for the indicative

dwelling house design involving, amongst other things, the reduction in height of the house and the roof by 1.5m to RL41.84.

In addition, the north edge of the carport roof and associated wall underneath has been reduced by 1.0m compared to the indicative envelope. The western eaves have also been deleted reducing the envelope by 450mm.

The design, height and position of the new house and carport will otherwise be the same as the building envelopes depicted on the approved drawings (DA2020/0147 approved on 18 November 2020) reference DA1 Amend 1-001, DA1 Amend 1 -200, DA1 Amend 1-301, DA1 Amend 1 -302, DA1 Amend 1 – 303 all dated 22 September 2020, prepared by Peter Stutchbury Architects.

The proposal will involve a minor to moderate, but acceptable impact on existing views from neighbouring properties. There are no public views available over the site.

### ***Part D8 Privacy***

The objectives are:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

There are no windows or balconies or private open space areas that will have the potential to directly overlook windows or private open space areas of the adjoining dwelling houses in Ellen Street and Loch Street.

The first floor level of the house and the roof will be at RL41.84, which is below the level of the swimming pool coping at RL42.02 and the dense hedge (RL42.0) between the pool and the boundary, along the rear boundary within 23 Loch Street. There are no windows proposed in the western wall of the house except for narrow vertical slot windows to the bedrooms and bathroom on the first floor that will have hardwood shutters installed on the outside. Screening is proposed on the western and southern sides of the carport.

The privacy and amenity of the neighbouring properties will therefore be maintained.

### ***Part D9 Building Bulk***

The objectives are:

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

The proposal will also be consistent with the front, rear and side setback guidelines and objectives for the side boundary envelope standard. It will be of



a height and scale envisaged by the planning controls, and will be acceptable in terms of its bulk and scale and compatibility with the two storey height, form and scale of the development in the locality.

The photomontage submitted with the development also shows that the proposed house will be an appropriate fit in terms of the height, form and bulk and scale of the surrounding development on the slope, when viewed from the south end of South Curl Curl Beach and surrounds.

### ***Part D10 Building Colours and Materials and Part D11 Roofs***

The materials and finishes include a combination of timber and concrete external walls and Cemintel panel walls and timber framed windows and external doors. Vertical timber blades are also proposed on the eastern façade for solar control and as a veil to the windows and outdoor spaces.

The roof will be a flat concrete roof with a membrane covering and pebble ballast finish.

### ***Part D12 Glare and Reflection***

The roofs of the house and the carport will have a pebble ballast finish that will mitigate glare and reflection to properties uphill of the site to an adequate degree.

### ***Part D13 Front fences and Walls***

The proposal does not involve any change to the existing fences and boundary walls.

### ***Part D14 Site Facilities***

All necessary site facilities will be provided on the site.

## ***Part E The Natural Environment***

### ***Part E1 Private Property Tree Management***

The objectives are:

- *To improve air quality, prevent soil erosion and assist in improving; water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To protect human life and property through professional management of trees in an urban environment.*
- *To provide habitat for local wildlife.*
- *Promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term with regard to the original 1750 community.*
- *To preserve and enhance the area's amenity.*

There are no existing trees affected by this proposal.

## **Part E4 Wildlife Corridors**

### *Objectives*

- *To preserve and enhance the area's amenity, whilst protecting human life and property.*
- *To improve air quality, prevent soil erosion, assist in improving water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
- *To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.*
- *To retain and enhance native vegetation and the ecological functions of wildlife corridors.*
- *To reconstruct habitat in non vegetated areas of wildlife corridors that will sustain the ecological function of a wildlife corridor and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community. See Warringah Natural Area Survey, August 2005.*

### *Requirements*

1. *For modification of native vegetation where the area of land supporting the vegetation to be modified is greater than 50m<sup>2</sup> or the land supporting the vegetation to be modified forms part of an allotment where vegetation has been modified in the last five years:*
  - i. *The applicant must demonstrate that the objectives have been achieved through a Flora and Fauna Assessment prepared in accordance with Council guidelines; and*
  - ii. *The applicant must demonstrate that the objectives have been achieved through a Biodiversity Management Plan prepared in accordance with Council guidelines that will protect, manage and enhance wildlife corridors, and where appropriate reconstruct wildlife corridor areas on the subject property.*
2. *For modification of native vegetation in all other cases, the applicant must demonstrate that the objectives have been achieved.*

The proposal is for the demolition of the existing building and construction of a new two storey dwelling and associated parking facilities is unlikely to impact on the wildlife corridor. Adequate areas will be maintained through the site for wildlife access.

## **5.4 Planning Agreements**

There is no planning agreement of a kind referred to in Section 7.4 of the Environmental Planning and Assessment Act, applicable to the subject development application.

## **5.5 Matters prescribed by the regulations.**

Clause 92(1) (b) of the Environmental Planning & Assessment Regulation 2000 includes additional matters that Council must consider in determining a development application. Clause 92(1) (b) specifically relates to consideration of the provisions of Australian Standard 2601-1991: The Demolition of Structures.

The proposal includes the demolition of the existing secondary dwelling on the south end of the site and therefore the provisions of AS 2601 – The Demolition of Structures will apply.

## **5.6 The likely impacts of the proposed development on both the natural and built environment, and the social and economic impacts in the locality.**

There will be no adverse impacts on the natural and built environment arising from the proposed dwelling house.

The design and location of the new house will not affect any existing trees or natural features on the land. It is designed to sit lightly on the cliff ledge and to retain the natural landscape of the site including rock outcrops on the north side of the site for incorporation into the landscaping and private open space areas.

The proposal will not involve any adverse social or economic impacts in the locality.

## **5.7 The suitability of the site for the development**

The site has a long history of residential use. The continued use of the land for residential purposes is an appropriate use of the land consistent with the low density housing characteristics of the locality.

## **5.8 Submissions made in accordance with the Act or Regulations**

The proposal constitutes local development and it will therefore not be necessary for Council to seek comments from any external authorities or approval bodies.

## **5.9 The public interest**

The public interest is considered in terms of compliance and consistency with the relevant planning controls applicable to the proposed development.

The continued use of the land for residential purposes is consistent with the low density residential zoning of the land.

The proposal will be consistent with the objectives of the LEP and the objectives and planning guidelines of the Warringah DCP. It will not impact on the heritage

significance of the adjoining heritage listed Stewart House building and its curtilage and setting.

In the circumstances, there are no discernible issues relating to the proposal that would be contrary to the public interest.

## **6. Conclusions**

This proposal is for the demolition of the existing building on the site and the construction of a new two storey dwelling house, parking platform and a carport, on the vacant lot known as Lot 202, at 2 Wyadra Avenue, Freshwater.

The proposal will be consistent with the objectives of the R2 Low Density Residential Zone, and the aims and objectives and standards of the LEP, and the objectives and planning guidelines of the Warringah DCP.

It represents an appropriate design, height and scale for a new house and associated parking, consistent with the approved plans for an indicative dwelling house, which formed part of the development application for the consolidation and re subdivision DA2020/0147, approved on 18 November 2020. The proposal will involve a minor to moderate, but acceptable impact on views to varying degrees from properties behind the site in Loch Street. This assessment together with the detailed assessment carried out as part of the previous development application for the subdivision involving the indicate dwelling house, confirms that the view sharing achieved is reasonable.

The amenity of the adjoining properties in terms of views, privacy and sunlight access will be maintained to an acceptable degree in this urban environment.

For these reasons, I support the proposal and I consider that Council's favourable determination of this development application is warranted.

***Disclosure of political donations and gifts******Environmental Planning and Assessment Act 1979 as amended Section 10.4 –  
Disclosure of political donations and gifts***

I declare that I have made no reportable political donations to a Northern Beaches Council, Councillor and I have provided no gifts of a kind referred to Section 10.4 of the EP&AAct to a Northern Beaches Council, Councillor or Council employee in the last 2 years or at any time.



Warren Long  
MPIA Registered Planner  
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Dated: 23 March 2022