
From: [REDACTED]
Sent: 15/05/2024 10:56:51 AM
To: Stephanie Gelder; Council Northernbeaches Mailbox
Cc: 'Rory McDonnell'; 'Rachael Mcallister'
Subject: TRIMMED: Planning Submission Re: DA 2024/0404 - 13 Fern Creek Road, Warriewood For: 21 Cherry Lane Warriewood
Attachments: Submission_2024_0404_13 Fern Creek Road Warriewood_14 May 2024.pdf;

Good Morning Stephanie, I hope this email finds you well.

The attached Planning Submission/review has been prepared for your consideration. Rachael and Rory had already provided an initial submission raising personal concerns.

These proposed developments (13 Fern Creek Road plus the proposal for 13 Knight Street) are large developments which are located closely to a range of existing homes and gardens.

I must say, the plans and documents do not appear to contain clarity or accurate assessment in terms of the potential impacts and the relationship. There are elevated living area balconies which have the potential to look into private spaces.

Therefore, we have prepared these submissions to detail the point of view of 21 Cherry Lane which is topographically lower and an existing property which is sensitive to the development.

We would request a site visit for you to review these points.

We are available at any time to clarify anything or answer questions. Please feel free to be in contact.

Thank you for your attention to these points in your evaluation.

Regards, Natalie

Natalie Richter Planning
PO Box 59 Mt Colah NSW 2079
m. [REDACTED]

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15 May 2024

Chief Executive Officer
Northern Beaches Council
By Email: council@northernbeaches.nsw.gov.au

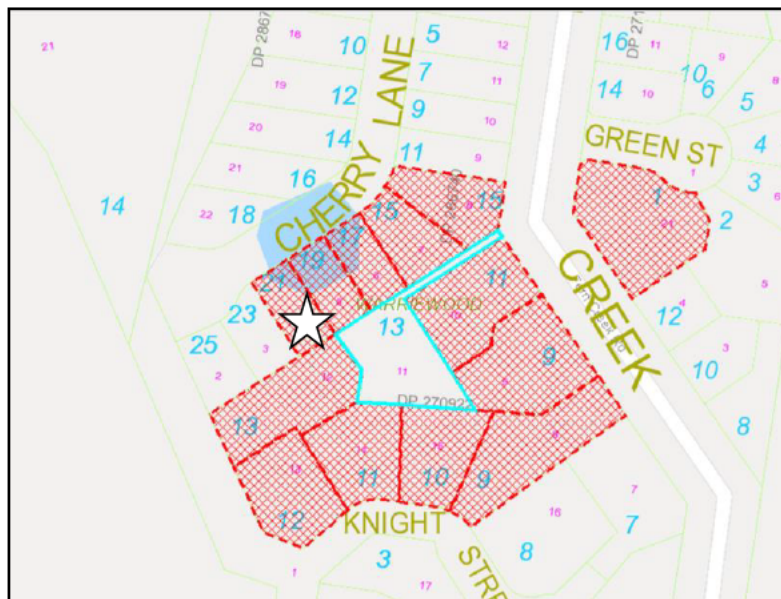
Attention: Ms Stephanie Gelder, Assessing Officer

Dear Stephanie,

**Planning Submission in relation to DA 2024/0404 – 13 Fern Creek Road, Warriewood
for 21 Cherry Lane, Warriewood**

This submission is has been prepared for Mr McDonnell and Ms Mcallister who own and live at No. 21 Cherry Lane which adjoins the subject site to the north-west. The Site Plan details No. 21 Cherry Lane as Lot 4 in DP 286740.

No. 21 Cherry Street can be seen in the following notification map extract (marked with a star). The subject development has been designed with the front of the house facing the rear boundaries with a number of developed properties along Cherry Lane.



This submission is based on a review of the plans and the subject site from the perspective of our client's property, the area and the relevant planning controls for residential development in the Warriewood Locality.

This submission has been made having reviewed a concurrent application for 13 Knight Street. A separate submission has been prepared in respect of DA 2024/0453. The large proposed developments on both these properties stand to create significant impacts on the visual and residential amenities enjoyed by the owners of No. 21 and their family.

Mr McDonnell and Ms Mcallister value their new home and chose to move their young family to Warriewood as it is a high amenity location and to enjoy the privacy, peace and quiet of the newly developed suburb. It was their understanding that the planning controls would accommodate well set out and reasonably separated/screened 2 storey homes.

No. 21 Cherry Lane is developed with a well articulated 2 storey dwelling which is similar in character with other surrounding homes along Cherry Lane. The houses along Cherry Lane are well separated and private.

The rear of No. 21 opens up to a private, landscaped rear garden with an alfresco eating area. This directly extends from the ground level living/kitchen area. These are the key and only private open spaces for the home. This is the north facing children’s play space and outdoor entertaining/living area.

The rear private open space and bedroom areas at first floor level which currently have a private and treed outlook, have the potential to be impacted by the built scale and potential for privacy impacts arising from the proposed new house with large areas of glazing and balconies proposed at the upper level which will be visible.

The subject development site (and the development site at No. 13 Knight Street) are topographically higher. This can be seen in the following photographs of the current outlook from the rear of No. 21 Cherry Lane.

The impact and visibility of the height and scale of the houses, and the elevated platforms proposed with the upper floor living areas/windows and balconies will be exacerbated given the slope up, and the location of the 2-3 houses up the hill. The visual, scale and privacy impacts to the rear elevations, windows and open spaces of the adjoining properties will be worsened.



Existing private garden of No. 21, slope upwards



Existing open sky and treed character at the rear



the land proposed to be developed under the 2 x DA's

Outlook and privacy, upper floor bedroom, showing

The proposed building is to be 2 storeys above an *extensive* excavated basement level where the proposed house interfaces with a number of rear elevations and rear private open space areas.

The currently private gardens and rear elevations of the north-western adjoining houses along Cherry Lane stand to be directly and adversely affected by the scale of the front elevation as well as the numerous windows and large upper level balcony proposed to face in. The extensive level of excavation, the 3 level rise facing the boundary and the degree of constructed surfaces could exacerbate water issues. Limited planting or tree retention is proposed. The existing driveway is to be extended to further increase surfaces near the boundary.

The design is well over the expected density/footprint for the site and this will manifest in scale which was not intended and which does not blend with the area. Further, it appears that the site ratio plans do not include all paved/constructed areas.

With an excessive footprint and scale, proposed adverse impacts cannot be considered to be reasonable when considering the objectives and expectations of the planning controls. The proposed house is much larger than the 2 storey houses and gardens which are to be impacted upon.

The proposed development is considered to conflict with various planning objectives as detailed within this submission. This proposal unreasonably impacts upon neighbours and should be amended to be a more sympathetic new development.

Thank you for considering these points in the assessment.

Excavation, Scale and Outlook Impacts

The proposed house involves considerable excavation to create 2 levels above a double garage.

Section AA indicates that excavation to a height of 1.5m is created underneath the 2 storey house above, creating large subfloor space and effectively a third level. It is noted that the volume of excavation on the ratio plans is 318.98m³ which is considerable. This is not considered to align with the objectives of the Pittwater LEP and DCP in terms of minimising site alteration and sitting development with the context. This level of excavation is inconsistent with Clause 7.2 of the Pittwater LEP and is not considered to protect drainage patterns or safeguard existing development.

The proposed excavation adds to site disturbance and has the potential to disrupt close neighbours.

This would change the hydrology and potentially worsen the flow of drainage which already occurs across the hill down to the properties along Cherry Lane. It is requested that Council carefully consider stormwater management having regard to local water issues and potential flooding.

It is requested that the scale of the proposed dwelling be considered in context with the large development proposed for 13 Knight Street with its excessive driveway and covered surfaces in terms of cumulative impact on the number of properties which are located adjoining these sites and have the potential to receive water.

The proposed large house is considered excessive with consideration of the site constraints such as being a steep and unusually shaped block a 'front' which faces into the back of 3 properties. The design proposes the front elevation of the house, with what appears to be an elevated entry landing, garage and 3 storey appearance to essentially overlook the existing housing, into rear elevations and private open space areas/gardens, impacting on expected privacy for homes.

The front section of the house proposes a 2.5m high ceiling to the garage, and 2 levels of 2.66m ceiling heights above (reading as effectively 3 storeys in appearance from that perspective). The 640mm floor thickness proposed for the upper level also adds to the overall scale.

The proposed scale is considered to be excessive and impacting given the described outlook from the lower adjoining rear gardens and homes.

A 3 storey design is not considered to be in keeping or sensitive in this context, considering the predominance of 2 storey homes within gardens and the objectives of planning controls which aim for balance between built form and landscaping/tree canopy.

The height only just looks compliant with the 8.5m Development Standard at the front, where the height will impact on the outlook and privacy of the adjoining properties. No RL's are provided to check compliance with maximum height. Any breach to the LEP Standard would be unacceptable in the case of the range of adverse impacts created.

The shadow diagrams indicate that the scale of the development will create significant winter overshadowing on the private open space area of the subject house.

Direct Privacy Impacts and Impact on Private Open Space

A large (24.75m²) and useable upper floor balcony is proposed facing the north-west, accessed via an upper floor living area. This has the potential to allow people to use this as a living area and allow direct overlooking into the northern adjoining yards and homes.

This upper level outdoor living space has the potential to create acoustic issues as well. This is an issue when the northern adjoining homes contain bedroom areas at upper level. This balcony is not considered reasonable. RL's are not provided to ascertain the relationship of the proposed upper level balcony with the levels of windows, fencing or gardens of the adjoining homes. No assessment is provided in terms of the potential for interfacing windows with balconies and impact on existing homes.

Upper floor balcony/living areas should not be supported. The design is not considered to be sensitive to the neighbours and should not be supported as proposed.

There does not appear to be any treatment to prevent direct overlooking. Minimal landscaped screening is able to be provided along the north-western boundary of the site given the driveway areas etc.

We are in support of the proposed canopy trees and landscaping proposed for the north-western front corner of the subject site (nearest to us). However, would ask that any planting along that side would be considered in relation to protecting the vital solar access into our home, roof (for solar panels) and open space.

Loss of Canopy Trees, Minimal Replenishment Planting and Area Character/Environmental Impact

Insufficient space is considered to be available on the site around the proposed house and driveways to off-set canopy loss.

There is a distinct lack of landscaping provided along the northern boundary which will exacerbate tree loss and amenity, scale and outlook impacts.

Inconsistency with Warriewood and Pittwater Planning Controls

The proposal is considered to be inconsistent with the underlined objectives of planning for Pittwater as articulated in the Pittwater DCP:

The objectives of planning in Pittwater include protecting:

'Spectacular beauty, blend of landscape and waterways.

Urban villages.

Development is sympathetic/responsive to the topography and minimise alteration and hazards.

Future growth should protect this character.

Development will need to be ecologically sustainable and considerate of the natural hazards of the area that have helped to shape the region, which will ensure a safe and good quality of life for the community and future generations.

The proposal is not considered to create sensitive or sustainable development and therefore conflicts with the 'Aims' of the Pittwater LEP.

Given the impacts on the existing homes, the proposal is not considered to promote the wellbeing of the existing community and should be amended to achieve a more appropriate fit.

The proposal is inconsistent with the objectives for the Warriewood Locality in that the proposal represents excessive excavation, tree removal and built development which is overbearing in relation to the area which has natural aesthetics and biodiversity value. The scale of the development is not considered to promote the management of natural hazards such as geotechnical issues and local flooding.

The proposed development is considered to be inconsistent with the following objectives for new development in Warriewood:

'Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Tree removal is proposed and the height exceeds the canopy and most other homes. Trees and vegetation are not integrated with the development (such as to balance the extent of the construction or protect the area character).

The development does not step down with the slope and requires substantial excavation close to other properties.

Given the concerns raised and the external impacts, the design is not site or context responsive and the proposal involves extensive excavation of the landform. Development which impacts the mandated character and the reasonable and established amenities of existing dwellings should not be supported.

We would welcome a site inspection to review the impacts on No. 21 Cherry Lane.

Yours sincerely,



Natalie Richter, Consultant Planner (B Town Planning UNSW)