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# STATEMENT OF ENVIRONMENTAL EFFECTS - Version 2.

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Demolition of the Existing Dwelling and the Construction of a New Residence at  
28 Goondari Road  
Allambie Heights NSW 2100



Prepared by:  
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# INTRODUCTION

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Proposed Use:	Residential
Address:	28 Goondari Road, Allambie Heights NSW 2100
Lot No:	Lot 2/ Sec 116/ DP 246690
Area:	632.3m <sup>2</sup>
Street Frontage:	17.678m
Zoning:	R2 – Low Density Residential
Permissibility:	Dwelling houses permitted with consent

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The application seeks approval to demolish an existing house and build a new residence in its place. There will be little additional impact caused to the local environment or to any neighbouring properties by this proposal.

This is the second version of the statement of environmental effects relating to this proposal.

It is written in response to an amended design that has taken into account the concerns of the adjoining neighbours and Northern Beaches Council.

Those concerns include but are limited to:

## **1. Side Boundary Envelope and Building Bulk**

*Response: The proposed dwelling has been redesigned to lower some elements and reduce the eaves adjacent the northern boundary and in so doing the bulk of the proposal has been reduced and it is now compliant with the side boundary envelope control of the WDCP.*

## **2. Privacy:**

*Response: The proposed dwelling has been redesigned to address the privacy issues raised by Council and Neighbours. The proposed external doors to the North have been glazed with obscure glass and a privacy screen has been introduced to the proposed side veranda. The swimming pool and terrace to the South have been moved 900mm back from the shared boundary and planter bed introduced in the resultant space.*

## **3. Side Boundary Setback:**

*Response: The proposed dwelling has been redesigned to move the garage, terrace and swimming pool back 900mm from the Southern boundary and a landscaped planter has been proposed in its place. These amendments bring the referenced elements into compliance with the side boundary setback control of the WDCP and reduce visual impact of those elements on the neighbouring property.*

## **4. Geotechnical Report:**

*Response: An Updated Geotechnical report has been provided.*

## **5. Landscaped open space:**

*Response: The proposed dwelling and its associated swimming pool, terrace, garage and driveway have been amended to provide a buffer area between the properties. The landscape plan has been amended accordingly. The landscape plan also details the addition of two replacement trees.*

## **5. Encroachment on Subject Land:**

*Response: The swimming pool heater and associated pipework together with a small portion of the pool filter shed encroaches on the subject property. These encroaching pieces of equipment will need to be removed from the subject property to facilitate the proposed development.*

This statement has been prepared and written as a direct response to the issues outlined in both the Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan 2011.

In preparation of this Statement of Environmental Effects, consideration has been given to a range of documents and drawings including, but not limited to the following:

**ARCHITECTURAL DRAWINGS:**

By Micheal Fountain Architects

2129 DA - 00 – D- Cover Sheet

2129 DA - 01 – M - PLAN - Site

2129 DA - 02 – O - PLAN – Lower Ground

2129 DA - 03 – N - PLAN – Ground Floor

2129 DA - 04 – M - PLAN – Upper Ground

2129 DA - 05 – G - PLAN – Demolition

2129 DA - 06 – F - PLAN – Excavation

2129 DA - 08 – D - PLAN – Erosion & Sediment

2129 DA - 09 – G- PLAN – Stormwater

2129 DA - 10 – K - ELEVATION - West

2129 DA - 11 – L - ELEVATION – South

2129 DA - 12 – K - ELEVATION - East

2129 DA - 13 – K - ELEVATION - North

2129 DA - 20 – L - Section A

2129 DA - 21 – L - Section B

2129 DA - 22 – L - Section C

2129 DA - 23 – B - Section D

2129 DA - 30 – F - Schedule – Colours + Materials

2129 DA - 40 – F - PLAN – Site Analysis

2129 DA - 50 – B - SHADOW DIAGRAM

2129 DA - 51 – B - SHADOW DIAGRAM

2129 DA - 52 – B - SHADOW DIAGRAM

2129 DA - 60 – B - DETAIL - POOL

**SITE SURVEY**

By C&A Surveyors, REF: 18419 – 21

**ABORIST REPORT**

By Jacksons Nature Works

**COST SUMMARY REPORT**

By Luscombe Consulting

**WARRINGAH LOCAL ENVIRONMENT PLAN 2011**

**WARRINGAH DEVELOPMENT CONTROL PLAN 2011**

**GEOTECHNICAL REPORT**

By JK Geotechnics

**WASTE MANAGEMENT PLAN**

By Micheal Fountain Architects

**LANDSCAPE PLAN**

By Jamie King

## SITE DESCRIPTION

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The site is approximately 17m x 39m in dimension and is oriented in an east west direction.

It slopes upward from the western street elevation to the east boundary by approximately 13m.

Natural rock and vegetation typify the front and rear of the property while the central section of the site sees an existing dwelling and its associated private open space.

### Current Use

The site currently accommodates a dwelling house, car port, decks and a concrete driveway

### Aspect

The site is configured in an east west direction.

### Slope

The site slopes approximately 13m from east to west.

### Vegetation

Natural rock, trees and vegetation typify the front and rear of the property.

### Neighbouring Dwellings

Neighbouring dwellings are sited adjacent the current dwelling to the North and South.

## PROPOSED DEVELOPMENT

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The proposed development sees the demolition of the existing structures on the site and the removal of three trees.

A building platform would then be excavated and a new structure including a dwelling, garage, swimming pool and terrace built in place of the existing structures.

The rocky outcrops to the front and rear of the site will be retained.

After the demolition of the existing structures the building platform will be lowered to accommodate a garage, workshop, entry, detention and retention tanks and associated services and drainage.

To accommodate the lowered platform the proposal seeks permission to remove three trees, two of which will be reinstated in more appropriate positions.

To facilitate the proposed garage the existing driveway will be lowered by approximately 300mm.

## ENVIRONMENTAL IMPACTS

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Other than the removal and replacement of the trees mentioned above there will be few environmental impacts resulting from the proposed development.

The development is all but completely located on already disturbed sections of the site.

The introduction of a contemporary storm water and retaining systems will see an improvement of the hydraulic and stability aspects of the site.

# COMPLIANCE TABLE

Lot 2/ Section 116/ Plan No. DP 246690

Zoning R2 – Low Density Residential

Permissibility – Dwelling House Permitted with Consent

DCP Landscaped Open space and Bushland setting 40% of site.

Landslip Risk Area B (Flanking Slopes 5 to 25)

Clause Ref	Control	Compliance	Note
	<b>Warringah LEP 2011</b>		
2.2	Zoning of land to which Plan applies Ref Map: Zoning R2 – Low Density Residential (Figure 1)	Yes	
4.3	Height of building – 8.5m (Figure 2)	Yes	
5.10	Heritage conservation (Figure 3)	Yes	Not applicable
6.1	Acid sulphate soils (Figure 4)	Yes	Not applicable
6.2	Earthworks (Figure 5 – Landslip Risk Map)	Note	Ref amended Geotechnical report
6.4	Development on sloping land (Figure 5 – Landslip Risk Map)	Note	Ref amended Geotechnical report
	<b>Warringah DCP</b>		
B1	Wall heights	Yes	7.2m
B2	Number of storeys	Yes	Not applicable
B3	Side boundary envelope	Yes	45-degree line from height of 4m at boundary
B4	Site coverage	Yes	Not applicable
B5	Side boundary setback	Yes	0.9m
B7	Front boundary setbacks	Yes	6.5m
B9	Rear boundary setbacks	Yes	6.0m
C2	Traffic, access and safety	Yes	The proposed configuration will improve access and safety
C3	Parking facilities: Carparking.	Yes	The proposed garage and turning space will dramatically improve the current provision and configuration.
C4	Stormwater	Yes	The existing system will be upgraded and include retention/ detention tanks.
C7	Excavation and landfill	Yes	Geotechnical report attached to the application.
C8	Demolition and construction	Yes	Waste Management Plan is attached to the application.
C9	Waste management	Yes	Waste Management Plan is attached to the application.
D1	Landscaped open space and bushland setting:	Yes	Please reference body text of the SEE for comment on this item
D2	Private open space Dwelling houses and attached dwellings with 3 or more bedrooms. A total of 60m <sup>2</sup> with minimum dimensions of 5m is required	Yes	Please reference body text of the SEE for comment on this item
D6	Access to sunlight	Yes	



D7	Views – to allow for the reasonable sharing of views & maintain existing tree canopies	Yes	Please reference body text of the SEE for comment on this item
D8	Privacy	Yes	Please reference body text of the SEE for comment on this item
D9	Building bulk – continuous wall planes are avoided as articulated walls are adopted	Yes	Please reference body text of the SEE for comment on this item.
D10	Building colours and materials	Yes	
D11	Roofs	Yes	
D12	Glare and reflection	Yes	
D13	Front fences and front walls	Yes	
D14	Site facilities	Yes	
D15	Side and rear fences	Yes	
D16	Swimming pools and spa pools	Yes	
D20	Safety and security	Yes	
D21	Provision and location of utility services	Yes	
D22	Conservation of energy and water	Yes	A BASIX certificate is attached to the development application.
E1	Preservation of trees or bushland vegetation	Yes	Please reference body text of the SEE for comment on this item
E2	Prescribed vegetation – the site is located within a Wildlife Corridor (Figure 7) Refer to E4 Wildlife Corridors	Yes	Please reference body text of the SEE for comment on this item
E3	Threatened species, populations, ecological communities	Yes	The site does not appear on the Threatened and High Conservation Habitat Map
E4	Wildlife corridors. (Figure 7) The objectives of this control are: <ul style="list-style-type: none"> <li>To retain and enhance native vegetation communities and the ecological functions of wildlife corridors</li> <li>To reconstruct habitat in non-vegetated areas of wildlife corridors that will sustain the ecological functions of a <u>wildlife corridor</u> and that, as far as possible, represents the combination of plant species and vegetation structure of the original 1750 community</li> </ul>	Yes	Modification of native vegetation will not exceed the prescribed 50sqm requirement of this control. Furthermore, <ul style="list-style-type: none"> <li>i. barriers and hazards that hinder fauna movement such as solid fences and roads are to be avoided in wildlife corridors.</li> <li>ii. management of exotic and native vegetation is to be carried out in a manner that does not result in significant short term or long-term loss of habitat in wildlife corridors</li> </ul>
E5	Native vegetation	Yes	The site does not appear on the Native Vegetation Maps
E6	Retaining unique environmental features	Yes	Please reference body text of the SEE for comment on this item
E10	Landslip risk (Figure 5) The site is zoned Area B – Flanking Slopes 5 to 25	Yes	Geotechnical report attached to the application.
E11	Flood prone land	NA	The site does not appear on the Flood Risk Precinct Maps

## NEIGHBOUR CONCERNS AND MITIGATION MEASURES

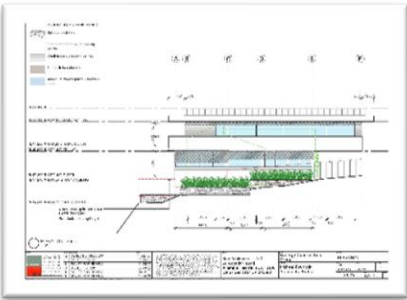

### 26 Goondari Road

Response to Blackwattle Planning Submission Dated – 28<sup>th</sup> June 2022.

A meeting was held between MFA and Blackwattle Planning.

Item No.	Item	Concern	Response
1	<b>Introduction</b>	Daniel and Caroline do not oppose the redevelopment of their neighbour's property in general terms, however there are a number of aspects of the design which cause significant impact upon them.	The proposal has been amended in response to the concerns outlined.
2		We think the Council should request the applicant reconsider the proposal given these concerns and noting the extent to which the proposal is non-compliant with Council's planning policies. The departures from policy and the impacts upon No. 26 Goondari Road are outlined below.	The proposal has been reconsidered and amended drawings are attached.
3	<b>Shadow Diagrams not available on website</b>	We note that the plan set made available on Council's DA Tracking website does not include the shadow diagrams that are listed in the cover page.	Shadow drawings were included however the design has now been changed and new shadow diagrams are attached.
4	<b>Geotechnical Information</b>	We are concerned that the information within the geotechnical report prepared by JK Geotechnics is not current.	The design has been changed to address the concerns of the neighbours. An updated Geotec report will be posted on the portal.
5	<b>Warringah DCP 2011</b>		
6	<b>Control B5 Side boundary setbacks</b>	The new dwelling proposed includes excavation and construction of a new driveway, garage, elevated patio and pool with zero setback to the southern boundary. This design has a significant and adverse impact on the structures and amenity of residents at No. 26 Goondari Road. The zero setback not only results in the presentation of an extensive wall to the neighbouring property, but also requires the removal of existing landscaping and canopy trees.	<p>The amended design complies with control B5 of the WDCP.</p> <p>The proposed structures have been amended to set back 900mm from the boundary and sit well inside the building envelope.</p> <p>The southern elevation as it exists comprises a stepped stone wall topped by a paling fence.</p> <p>The proposed boundary treatment now comprises a similar composition including new planter boxes facing the neighbours.</p>
7		<i>Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</i>	As the subject property sits above the neighbouring property by between 850mm and 1650mm there will always be a need for a retaining wall.




			 <p>The red line in the image, (provided by the neighbour), above illustrates the approximate position of the boundary between the properties. The existing stone and timber planters, the stone retaining wall and the timber paling fence all sit on 28 Goondari Road.</p> <p>The amended proposal sees the replacement of the retaining wall, fence and the replacement of planter boxes.</p> <p>The amended proposal does see the driveway extend to the boundary such that vehicles can exit the garage in a forward direction.</p> <p>The proposed walls of the garage and pool will, for the most part, be a greater setback than that which exists at the moment.</p>
8	<b>Deep Soil Planting.</b>	<i>To provide opportunities for deep soil landscape areas.</i>	<p>Soil in the proposed planter boxes will be deeper than those which currently exist and will be able to support substantial planting.</p> <p>The proposal is compliant with this control.</p>
9	<b>Visual Dominance</b>	<i>To ensure that development does not become visually dominant.</i>	<p>The proposed deck level will be lower than the existing deck level by 460mm.</p> <p>The balustrade will be lower than the existing fence adjacent the proposed swimming pool, however when standing in the proposed swimming pool no view lines into No.26 will be possible.</p> <p>The proposed balustrade will be approximately 200mm, higher than the existing fence adjacent the swimming pool of No.26.</p> <p>The emphasis on the horizontal and the softening provided by the new and existing landscaping within No.26 will be a net positive to the composition of their swimming pool area.</p>

			The proposal is compliant with this control.
10	<b>Bulk and Scale</b>	<i>To ensure that the scale and bulk of buildings is minimised.</i>	<p>The proposed 2 car garage is now set back from the boundary by the required 900mm, it is largely sub terranean, placed in an existing area of fill which is currently retained on all sides by retaining walls.</p> <p>The walls of the garage will replace the existing retaining walls.</p> <p>The roof of the garage sits 1160mm above the existing ground line and well below the height of the existing paling fence when viewed from No.26.</p> <p>The roof of the garage forms the terrace opposite the ground floor living spaces of the subject property, the balustrade to this deck sits approximately 200mm above the existing paling fence to the west.</p> <p>The unifying nature of the continuous balustrade will reduce the bulk and scale of the existing structures</p> <p>The proposal is compliant with this control.</p>
11	<b>Separation between buildings</b>	<i>To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</i>	<p>Other than the subterranean swimming pool and garage the proposed house is set back from the southern boundary by approximately 6m.</p> <p>The proposal is compliant with this control.</p>
12	<b>Control D9 Building Bulk</b>		
13		<i>Side and rear setbacks are to be progressively increased as wall height increases</i>	<p>The proposed house as amended is compliant with this control.</p> <p>It largely occupies the footprint of the existing house and decks.</p>
14		<p><i>Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.</i></p> <p><i>On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular: the amount of fill is not to exceed one metre in depth. Fill is not to spread beyond the footprint of the building. Excavation of the landform is to be minimised.</i></p>	<p>The proposed dwelling steps down the existing slope of the land.</p> <p>All substantial cliff faces are retained, excavation has been minimised and there will be no fill kept or brought onto the site, in fact most if not all fill will be removed from the site.</p> <p>The proposal is compliant with this control.</p>

15	<b>Street Orientation</b>	<i>Orientate development to address the street.</i>	<p>The proposed eastern façade is oriented toward the street in a similar manner as the existing house save for the additional required setback from the Northern boundary.</p> <p>The proposal is compliant with this control.</p>
16	<b>Landscape Plantings</b>	<i>Landscape plantings are to be provided to reduce the visual bulk of new building and works.</i>	<p>The front, rear and side boundaries are landscaped and treed other than for the area of the building footprint.</p> <p>The remaining areas will be landscaped via the use of planter boxes where possible.</p> <p>The proposal is compliant with this control.</p>
17	<b>Control E1 Preservation of Trees</b>	To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term; and, To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.	<p>The site is typified by a large number of native trees and shrubs, the vast bulk of which will be retained.</p> <p>The amended proposal sees the removal of 3 trees and is supported by a Level 5 Arborist.</p> <p>The amended proposal will see the reinstatement of 2 of the 3 trees.</p> <p>The proposal is compliant with this control.</p>
18	<b>Control E6 Unique environmental features</b>	The site and surrounding sites contain numerous rock outcrops and exposed sandstone	<p>All substantial rock/cliff faces are will be retained.</p> <p>The proposal is compliant with this control.</p>
19	<b>Control D8 Privacy</b>	<p>Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties; and orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</p> <p>The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</p>	<p>The proposed dwelling has been specifically designed to ensure that there is little further impact of the privacy of the adjacent neighbours.</p> <p>The mid level of the proposed house sits forward of the house to the south, largely on the same footprint and view lines as the existing house.</p> <p>While the proposed house looks over the private open space of No 26 Goondari Road, it is well set back from the southern boundary and surrounded by a mostly solid balustrade.</p> <p>With this in mind there will be no overlooking of the neighbours' private open spaces from the living spaces of the proposed house and little more impact on the living and bedroom spaces than that of the current configuration.</p> <p>The proposed mid-level terrace has been pulled back from the boundary by 900mm and a new planter bed is proposed in the space created.</p>

			<p>This effectively moves the users of the terrace back 1100mm from the boundary.</p> <p>It is anticipated that planting in the beds once mature will not only soften the garage and pool walls when viewed from No.26 but will also prevent the users of the terrace on No.28 looking over the balustrade into No.26.</p> <p>Finally, a garden bed has been provided in the south east corner of the subject terrace to similarly prevent overlooking.</p> <p>The proposal is compliant with this control.</p>
20	<b>Encroachments of No. 26 Goondari Road onto the subject site.</b>		<p>The owner of No 28 Goondari has no interest in voluntarily adjusting the shared boundary between his property and No.26.</p> <p>The applicant has obtained advice from a registered surveyor whom has confirmed that the subject land is a Torrens title lot and as such it will not be possible for the owner of No.26 to compel the owner of No. 28 to relinquish his land.</p> <p>It is not reasonable to constrain the development potential of the subject site as a result of an unlawful encroachment on that site.</p> <p>While the swimming pool equipment enclosure is largely located on the property of No.26, the pool heater and pipework is located on the land of No. 28 and will need to be relocated by the owners of No.26 to remove the encroachment and facilitate the proposed development.</p>

**Response to Tara Joyce Submission Dated – 29<sup>th</sup> June 2022.**  
**The applicant has not been able to meet with Ms Joyce.**

Item No.	Item	Concern	Response
1	<b>Introduction</b>	I request that the applicant be required to reconsider and amend their development proposal to accommodate these concerns.	The Applicant has changed the proposed design to address the concerns of their neighbours.
2	<b>B3 Side Boundary Envelope</b>	Encroachment on the side boundary envelope.	<p>The design has been modified to reach compliance with this control.</p> <p>The staircase, and upper bathroom roofs have been lowered and the roof eave reduced.</p> <p>The proposed side boundary envelopes now comply with the DCP.</p>
3	<b>B5 Side Boundary Setbacks</b>	The side boundary setbacks do not comply with the requirements in a number of aspects.	<p>The design does comply with the side boundary setback controls.</p>  <p>Existing configuration.</p>
	<b>WDCP Excerpt.</b>	<p><b>Requirements</b></p> <p><i>“Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map”.</i></p> <p>The setback required by the WDCP is 900mm.</p> <p><i>“Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences”.</i></p> <p><i>“Land Zoned R2 All development: Screens or sun blinds, light fittings, electricity or gas meters, or other services infrastructure and structures not more than 1 metre above ground level (existing) such as unroofed terraces, balconies, landings, steps</i></p>	<p>The side boundary set back required by the controls is 900mm.</p> <p>The side boundary setback to the existing house is 1000mm.</p> <p>The side boundary setback to the proposed dwelling is 1500mm and 2900mm respectively.</p> <p>Land Zoned R2, which the subject site is, enjoys an exception for landing steps and ramps so long as those structures do not extend more than 1m above the existing ground level.</p> <p>The proposed steps and landing adjacent the northern boundary approximate the existing steps and landing.</p> <p>The proposed structures are at or marginally below the existing pathway on neighbouring land.</p>

		<i>or ramps may encroach beyond the minimum side setback."</i>	<p>A services and drainage passage are located under the proposed landing and stair in compliance with the exception.</p> <p>The proposed northern wall of the new dwelling will be setback a further 500mm than the existing wall.</p> <p>The existing shared garden bed between the properties will be widened be 300mm on the subject site side.</p> <p>The existing and proposed landscaping and trees to the front and rear of the subject property act together to provide ample green separation between the two properties to achieve the objectives of the DCP.</p> <p>The proposed side boundary setback complies with the DCP.</p>
3	<b>D7 Views</b>	The DCP requires a reasonable sharing of views.	<p>The proposed dwelling sits completely under the 8.5m height limit for the lot.</p> <p>As the proposed dwelling steps up the existing land slope, it will sit between 1.8m and 4.8 metres below the height plane at the eastern end of the proposed house.</p> <p>The views enjoyed by the neighbouring property to the north are of trees and sky in between the roofs of the existing house.</p> <p>While these views will be diminished by the proposed roof, they will still be available.</p>
		<p>The WDCP references the planning principles established by the following judgement.</p> <p>Tenacity Consulting v Warringah [2004] NSWLEC 140 Principles of view sharing: the impact on neighbours.</p> <p>25 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, I</p>	<p>Response to the planning principles:</p> <p>25. The proposed development as illustrated in the neighbour's montage retains some of the existing views, as such the planning principles are invoked.</p>



		<p>have adopted a four-step assessment.</p> <p>26 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.</p> <p>27 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.</p> <p>28 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 as negligible, minor, moderate, severe or devastating.</p> <p>29 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</p>	<p>26. The First Step The subject views are not iconic, they are partial and obscured.</p> <p>27. The Second step. Consider from what part of the property the views are obtained. <i>"The expectation to retain side views and sitting views is often unrealistic."</i></p> <p>It is unrealistic in this circumstance to expect that the side views of the subject property should be retained in their entirety.</p> <p>28. The Third Step – Extent of Impact <i>"This should be done for the whole of the property, not just for the view that is affected."</i></p> <p>While the view loss from the referenced windows may be seen qualitatively as moderate, we assume that alternate views are available from the kitchen and living room such that the overall impact on the spaces will be minor.</p> <p>29. The Fourth Step – Reasonableness of the proposal. <i>"A development that complies with all planning controls would be considered more reasonable"</i></p> <p>The proposal complies with the planning controls.</p>
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		<p>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.</p>	<p><i>"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."</i></p> <p>The proposed dwelling is complying and it sits well below the 8.5m height plane.</p> <p>An alternate complying design could have seen the full occupation of the height plane which would have had a more onerous impact on the side views of No. 30.</p> <p>To this end a more skilful design that achieves the development potential of No.28 would not improve the side view impact on No.30 as such proposed development is considered acceptable and the view sharing reasonable.</p>
4	<b>D8 Privacy</b>	<p>The privacy impacts of the doors to the balcony that faces the neighbours lounge room and balcony.</p>	<p>The infill material to the external doors on both levels of the proposed Northern façade have been amended to be glazed with translucent glass and a privacy screen has been proposed to prevent views from one deck to the other.</p> <p>A new tree is proposed to be planted in the area between the properties forward of the proposed stairs.</p>
5	<b>D9 Building Bulk</b>	<p>Impacts on the kitchen window, front and back deck views over the subject property.</p>	<p>This issue has been addressed in item 3.</p>
5a		<p>Appropriate techniques for bulk reduction, building footprint, side and rear setbacks increased with wall height. Roof encroaching on the building envelope.</p>	<p>Building bulk is addressed in item 5e.</p> <p>Side and rear setback are addressed 5e.</p> <p>The proposed main roof eaves have been amended to reduce their width.</p> <p>The extension of the roof outside the building envelope is permitted by the WDCP via the exception for land zoned R2.</p> <p>The eaves are permitted to extend to 0.675 to the boundary whereas the</p>

			<p>proposed eaves will setback from the boundary by 2300mm.</p> <p><i>"Exceptions Land Zoned R2 or E4 or Zoned RU4 with frontage to The Greenway For all land zoned R2 or E4, or land zoned RU4 with frontage to "The Greenway", Duffy's Forest: Fascias, gutters, downpipes, eaves (up to 0.675 metres from the boundary), masonry chimneys, flues, pipes or other services infrastructure may encroach beyond the side boundary envelope."</i></p>
5b		Excavation concerns	<p>The development application is supported by a geotechnical assessment by J&amp;K Geotechnics.</p> <p>This assessment has been updated to include the amended dwelling design.</p> <p>The recommendations of the report will be adopted in their entirety and as such the stability of the site will be managed to an acceptable level.</p>
5c		Impacts of wrap around balcony, unnecessary encroachment.	<p>The privacy impacts of the wrap around balcony have been addressed in item 4.</p> <p>The balconies do not encroach on the setback or envelope provisions of the WDCP.</p> <p>These elements are vital in the protection of the doors and windows beneath them as well as the provision of shade and reduction of the visual mass of the proposed dwelling.</p>
5d		Concerns regarding tree removal	<p>The vast majority of the trees on the subject site will be retained.</p> <p>The application is supported by an Arboricultural impact assessment.</p> <p>This assessment will be updated to include the design amendments, the tree adjacent the proposed master bedroom and the replacement of two of the three trees that are required to be removed.</p>
5e		<p><i>WDCP Requirements:</i></p> <p><i>Requirements</i></p> <p><i>1. Side and rear setbacks are to be progressively increased as wall height increases.</i></p> <p><i>2. Large areas of continuous wall planes are to be avoided by varying</i></p>	<p>1. The side setbacks as proposed are 1500mm at the proposed dwellings closest point to the boundary, 600mm wider than the setback required by the DCP.</p>

		<p><i>building setbacks and using appropriate techniques to provide visual relief.</i></p> <p><i>3. On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope. In particular:</i></p> <p><i>The amount of fill is not to exceed one metre in depth.</i></p> <p><i>Fill is not to spread beyond the footprint of the building.</i></p> <p><i>Excavation of the landform is to be minimised.</i></p> <p><i>4. Building height and scale needs to relate to topography and site conditions.</i></p> <p><i>5. Orientate development to address the street.</i></p> <p><i>6. Use colour, materials and surface treatment to reduce building bulk.</i></p> <p><i>7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.</i></p> <p><i>8. Articulate walls to reduce building mass.</i></p>	<p>This setback increases to 2900mm, 2000mm wider than the setback required by the DCP.</p> <p>The existing house has a setback of 1000mm.</p> <p>2. There are no continuous wall planes on the northern elevation. The elevation is fully articulated in form, material and shade to provide visual relief.</p> <p>3. The amount of excavation has been minimised while still achieving the development potential of a complying design.</p> <p>The proposed dwelling does step down the hill and there will be no fill introduced or kept on the site.</p> <p>The proposed excavation is contained completely within the footprint of the existing structures on the site with little disturbance to the natural rock features and trees to the front, middle and rear of the property.</p> <p>4. The proposed building height sits under the 8.5 metre height plane.</p> <p>5. The proposed dwelling is oriented towards the street; it occupies the full width of the Lot available to it while maintaining compliance with the development controls in the planning instruments.</p> <p>6. Colours, materials, textures are varied on all façades to reduce the bulk of the proposed dwelling.</p> <p>7. Existing landscaping to all boundaries is either retained, replaced or enhanced to reduce the bulk of the built form.</p> <p>8. All wall planes are completely articulated via the use of steps in the form.</p> <p>The form is broken down into a series of composed elements that emphasise horizontal over the vertical</p> <p>The proposed dwelling is compliant with this control.</p>
6	<b>Geotec Concerns</b>		<p>The development application is supported by a geotechnical assessment by J&amp;K Geotechnics.</p>

			<p>This assessment has been updated to include the amended dwelling design.</p> <p>The recommendation of the report will be adopted in their entirety and as such the stability of the site will be managed to an acceptable level.</p>
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# WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

## PART 1: Aims of the Plan

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1.2 Aims of Plan – The proposed development is consistent with the aims of the plan.  
(d) in relation to residential development

The proposed dwelling house will maintain, protect and enhance the amenity of the existing residential environment. It is compatible with the neighbouring development in terms of bulk, scale and appearance. In doing so it will increase the variety of dwellings and enable population growth by right of the increased number of bedrooms it provides in comparison to the existing house. In doing so it will enhance the character of the area.

## PART 2: Permitted or prohibited development

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### 2.1 Land use zones

Zone R2 Low Density Residential – Dwelling houses are permitted with consent (Figure 1)

### 2.3 Objectives of the zone

The proposed dwelling house provides for the needs of the community with respect to the provision of a low-density residential environment that provides for the needs of its residents while maintaining the key elements of the natural environment to the front and rear of the property.

## PART 4: Principal development standards

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### 4.3 Height of buildings

The WLEP height of building map (Figure 2) - The maximum permitted height of buildings is 8.5 metres.

The development complies with this control.

### 4.4 Floor space ratio

Not applicable to this site

## PART 5: Miscellaneous provisions

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### 5.10 Heritage conservation

With reference to Figure 3 the site is not in a conservation area, nor associated with any significant items.

## PART 6: Additional local provisions

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### 6.1 Acid sulphate soils

With reference to the Acid Sulphate Map (Figure 4), the site does not appear with any classification in relation to this control.

### 6.2 Earthworks

The development has been designed to integrate into the existing local landscape. To enable this, excavation is required. There are no known relics, heritage items, archaeological sites or heritage conservation areas that would be disturbed by the earthworks. The soil and rocks that will be extracted during the excavation, will be transported to a suitable establishment for recycling.

A detailed Geotechnical Report by JK Geotechnics accompanies this Development Application, since the development is on land that is zoned as a Geotechnical Hazard H 1, which is a high risk. The report outlines many recommendations, to be carried out prior, during and after excavation/construction. These include dilapidation reports on the neighbouring properties, to the south and the west and also the existing house on the site, the review of all drawings, in particular structural engineers, an excavation methodology to be prepared and approved by the geotechnical engineer and that inspections take place throughout the excavation at 1.5 metres vertical depth intervals and on completion.



#### 6.4 Development on sloping land

The site is identified as Area B – Flanking Slopes 5 degrees to 25 degrees on the Landslip Risk Map (Figure 5).

A detailed Geotechnical Report by JK Geotechnics accompanies this Development Application.

The report states that:

*“Based on our slope stability risk assessment, we consider that the risk of the proposed development poses an acceptable risk to both property and life.”*

#### CONCLUSION

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The proposed development is consistent with the objectives and controls of the Warringah Local Environmental Plan 2011.

# WARRINGAH DEVELOPMENT CONTROL PLAN 2011

## SECTION A – Objectives

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The proposed dwelling will be of high environmental quality that will in turn increase the amenity of the area while dramatically improving the environmental sustainability of the dwelling in comparison to the house that currently occupies the site.

The proposed dwelling responds to and retains the dominant cliff faces that typify the site. It retains the existing natural landscaped areas to the front and rear of the property while providing an attractive design outcome that will contribute to the improvement of the streetscape.

The proposed dwelling will provide level access from the garage to all levels of the house and private open space via the provision of a residential lift.

Finally, the proposed dwelling has been designed to incorporate a high level of passive design by right of broad eaves, double glazing, insulation, skylights, solar panels and water tanks.

With the above in mind the dwelling has been designed to satisfy the objectives of the Warringah DCP.

## SECTION B – Built Form Controls

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### B.1 Wall Heights

Walls are not to exceed 7.2 metres from ground level to the underside of the ceiling on the uppermost floor of the building. The development complies with this control and responds to the site topography.

### B.2 Number of Storeys

The site does not appear on the Number of Storeys Map – as such this control is not applicable.

### B.3 Side Boundary Envelope

The amended proposal complies with this control.

### B.4 Site Coverage

This control is not applicable to this site

### B.5 Side Boundary Setbacks

The proposal complies with this control

### B.7 Front Boundary Setbacks

The proposal complies with this control

### B.9 Rear Boundary Setbacks

The proposal complies with this control

## SECTION C – Siting Factors

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### C.2 Traffic, Access and Safety

The proposal sees the retention of the existing driveway and crossing which in turn meets the objectives of the control.

### C.3 Parking Facilities

The proposal complies with this control

### C.4 Stormwater

The proposal complies with this control

### C.7 Excavation and Landfill

The proposal complies with this control

### C.8 Demolition and Construction

The proposal complies with this control

### C.9 Waste Management

A Waste Management Plan accompanies this Development Application submission.

## SECTION D – Design

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### D.1 Landscaped Open Space and Bushland Setting

The required minimum area of landscaped open space indicated on the WDCP map (Figure 6), is 40%.

*“To measure the area of landscaped open space:*

- a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;*
- b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;*
- c) Landscaped open space must be at ground level (finished); and*
- d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.”*

Site Area = 632.3 m<sup>2</sup>

Required landscape = 40% = 252.92 m<sup>2</sup>

Landscape actual = 265.93 m<sup>2</sup> = The proposal complies with this control

### D.2 Private Open Space

The proposal complies with this control

### D.3 Noise

The proposal will comply with this control

### D.6 Access to Sunlight

The proposal complies with this control

### D.7 Views

The proposal complies with this control

### D.8 Privacy

The proposal complies with this control

### D.9 Building Bulk –

The main view of the development is from the street.

Neighbouring house to the South does not open it self to views of or across the subject property now or in the proposed development.

The site is sloping and as such bulk on the downhill side is minimised via:

- Excavating the existing house platform by approximately 1 metre.
- Stepping the building form as the site rises
- Minimising vertical wall planes to the point where they are all but eliminated in favour of horizontal bands.
- Siting the house behind the rock outcrops and trees in the front setback.
- The use of cantilevered forms and differing wall types to emphasise the horizontal rather than the vertical.

The combination of these factors will see a well-designed and innovative building that sits behind and subordinate to the topography while still providing a dramatic addition to the local streetscape.

The proposal complies with this control.



D.10 Building Colours and Materials  
The proposal complies with this control

D.11 Roofs  
The proposal complies with this control.

D.12 Glare and Reflection  
The proposal complies with this control

D.13 Front Fences and Front Walls  
No front fences are proposed

D.14 Site Facilities  
The proposal complies with this control.  
Waste and recycling bins shall be located in the garage.  
The clothesline will be located adjacent the Northern boundary and the mail box will be as existing.

D.15 Side and Rear Fences  
The proposal complies with the objectives of this control in as much as the site is irregular, steeply sloping and already fenced where possible.

The subject site presents as a rock face, stone wall and paling fence on the Southern boundary adjacent the main outdoor living space.



This space in the amended proposal moves the garage and swimming pool 900mm back from the boundary. A stepped planter box between the boundary and the walls of the garage and pool will soften the subject walls.



#### D.16 Swimming Pools and Spa Pools

The proposal will comply with this control.

#### D.20 Safety and Security

The proposal complies with this control.

#### D.21 Provision and Location of Utility Services

The proposal will comply with this control

#### D.22 Conservation of Energy and Water

The proposal will comply with this control

This development requires a BASIX certificate, as it is "BASIX affected development under the EP&A Regulations".

A certificate accompanies this Development Application.

### SECTION E – The Natural Environment

#### E.1 Preservation of Trees or Bushland Vegetation

An Arboricultural Impact Assessment Report from Jacksons Nature Works is attached to the application. The report contains the following recommendations.

Please note that trees 1 and 2 identified in the report have already been removed as per the recommendation as such approval is sort to remove trees 3, 4 and 5.

##### *"4. RECOMMENDATIONS*

- a) Remove the following trees on site: Tree 1, 2, 3, 4 & 5.*
- b) Tree removal work shall be carried out by an experienced tree surgeon in accordance with Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal (2016).*
- c) An AQF Level 5 Project Arborist shall be engaged to supervise the building works and certify compliance with all Tree Protection Measures.*
- d) The tree location plan can be found on Annexure B:*
- e) The tree impact plan can be found on Annexure C."*

#### E.2 Prescribed Vegetation

The subject site is not identified on the Threatened and High Conservation Habitat or Map Native Vegetation.

It is identified on the wildlife corridors map.

The site contains little native vegetation.

The proposed development retains the main existing areas of vegetation to the front and rear section of the property as such the proposal achieves the objectives of the control.

#### E.3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

The site does not appear on the Threatened and High Conservation Habitat Map.

#### E.4 Wildlife Corridors

The subject land is identified on the wildlife corridors map (Figure 7).

The site contains little native vegetation.

The proposed development retains the main existing areas of vegetation to the front and rear section of the property. There are no fences proposed to the front area of vegetation and the fences to the rear area are not the subject of this application.

The proposal achieves the objectives of the control.

#### E.5 Native Vegetation

The site does not appear on the Native Vegetation Maps

#### E.6 Retaining unique environmental features

The site is typified by rock outcrops.

The proposed design largely retains these outcrops.

The building footprint approximates the existing footprint.

The proposal achieves the objectives of the control.

#### E.10 Landslip Risk

The subject land is identified on the Landslip Hazard Map (Figure 5)

A Geotechnical Assessment and Form no.1 are attached to the application.

The assessment concludes that:

*"Based on our slope stability risk assessment, we consider that the risk of the proposed development poses an acceptable risk to both property and life."*

#### E.11 Flood Prone Land

The site does not appear on the Flood Risk Precinct Maps (Figure 8)

## CONCLUSION

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The amended proposal is consistent with the objectives and controls of the Warringah LEP and DCP.

It has been changed in response to Council and Neighbour concerns.

The proposed dwelling house will maintain, protect and enhance the amenity of the existing residential environment. It is compatible with neighbouring development in terms of bulk, scale and appearance.

It increases the variety of dwellings to enable population growth by right of the increased number of bedrooms it provides while enhancing the character of the area.

With the above in mind, we seek Council's support for the amended proposal and request that this application be viewed favourably.



# PLANNING MAPS

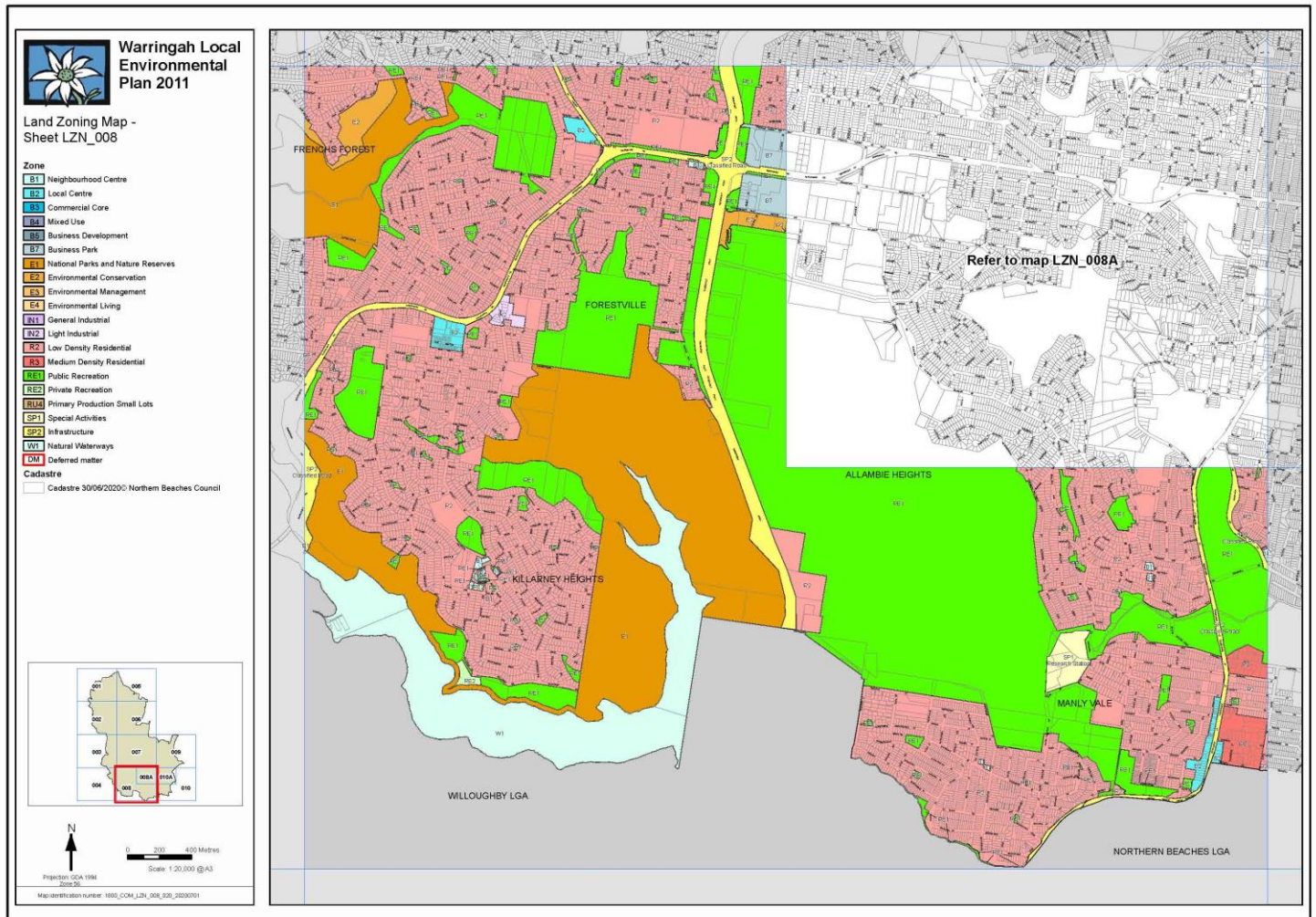


Figure 1. Warringah LEP Land Zoning Map



Figure 2: Warringah LEP Heights of Buildings Map

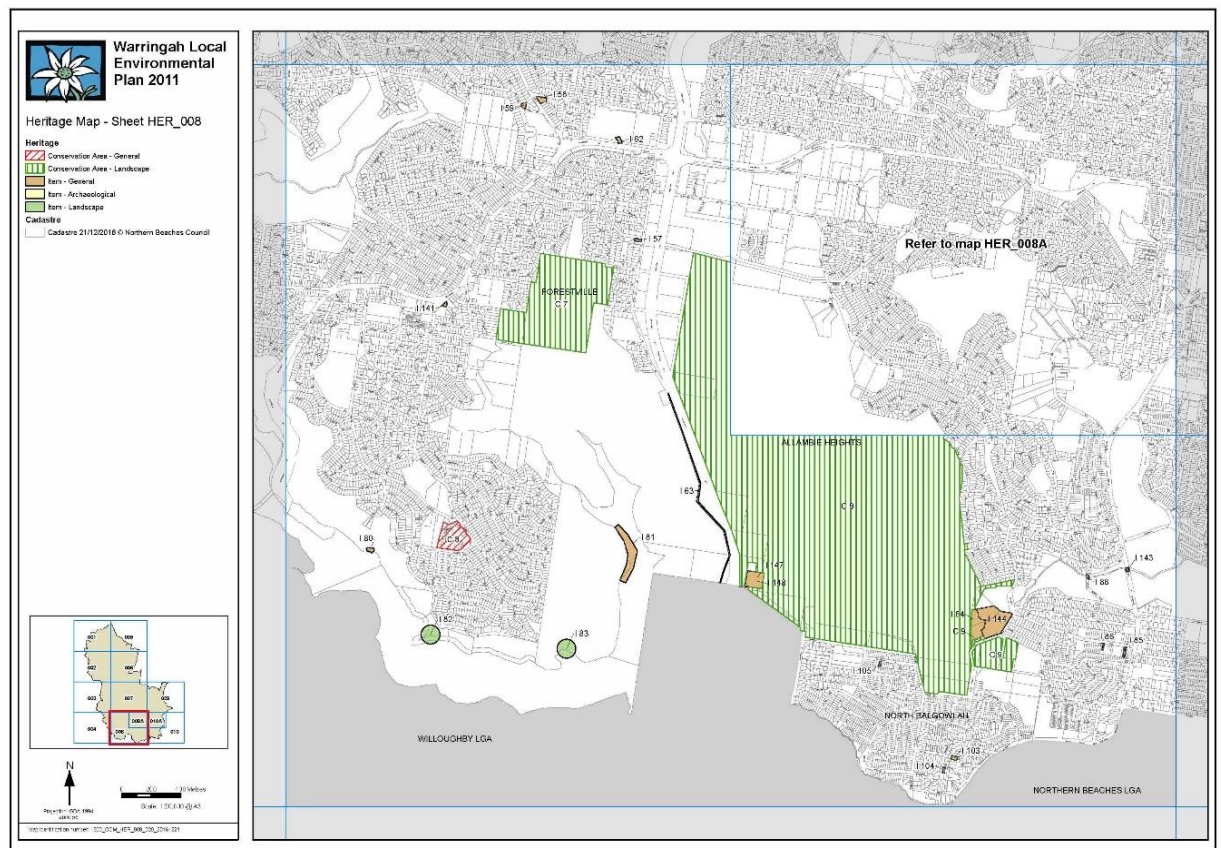


Figure 3: Warringah LEP Heritage Map



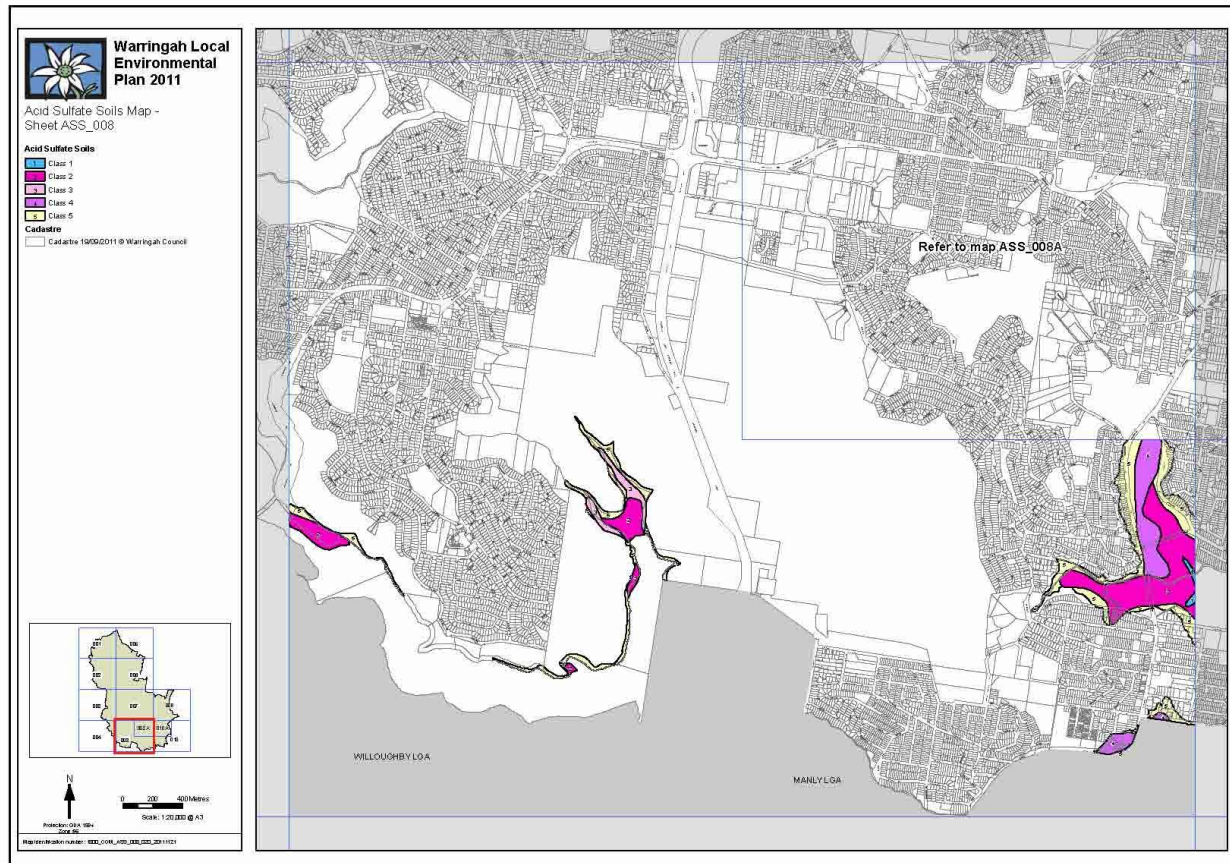


Figure 4: Warringah LEP Acid Sulphate Soils Map

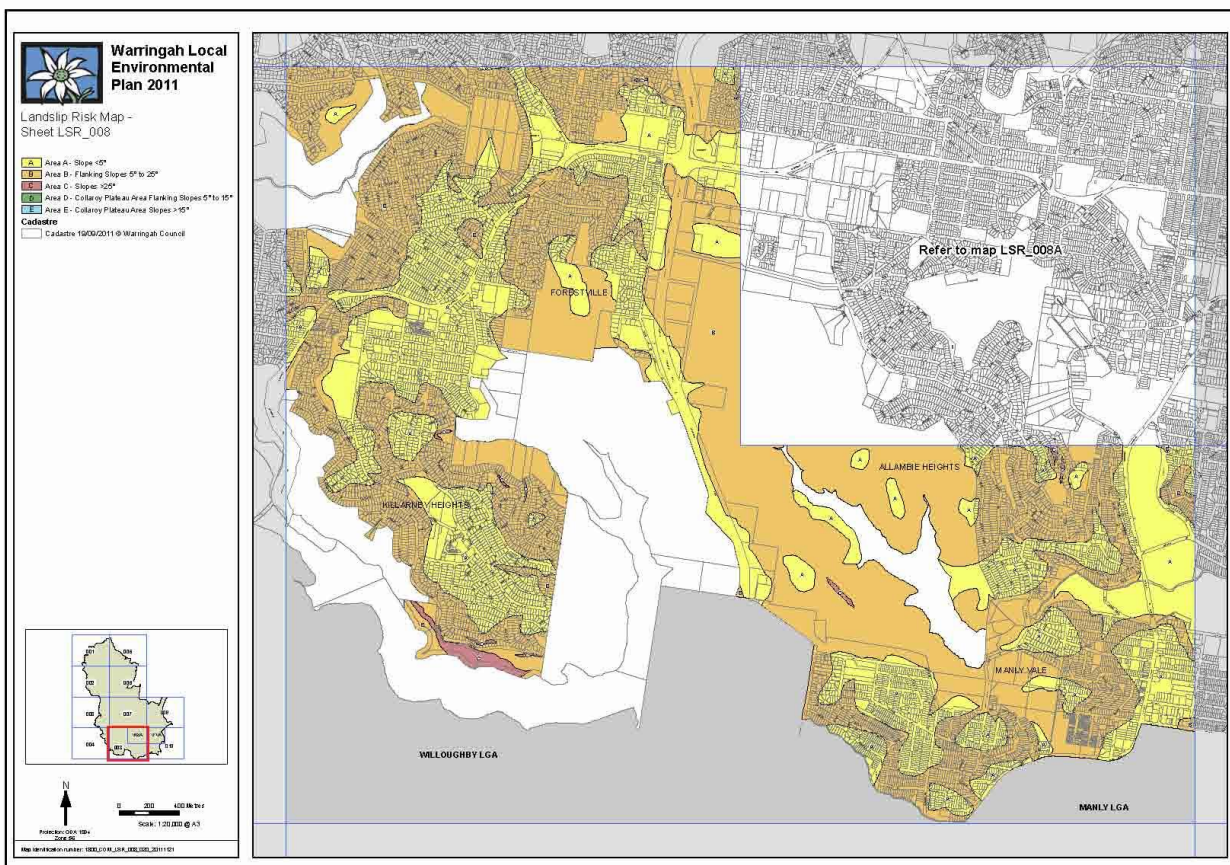


Figure 5: Warringah LEP Landslip Hazard Map



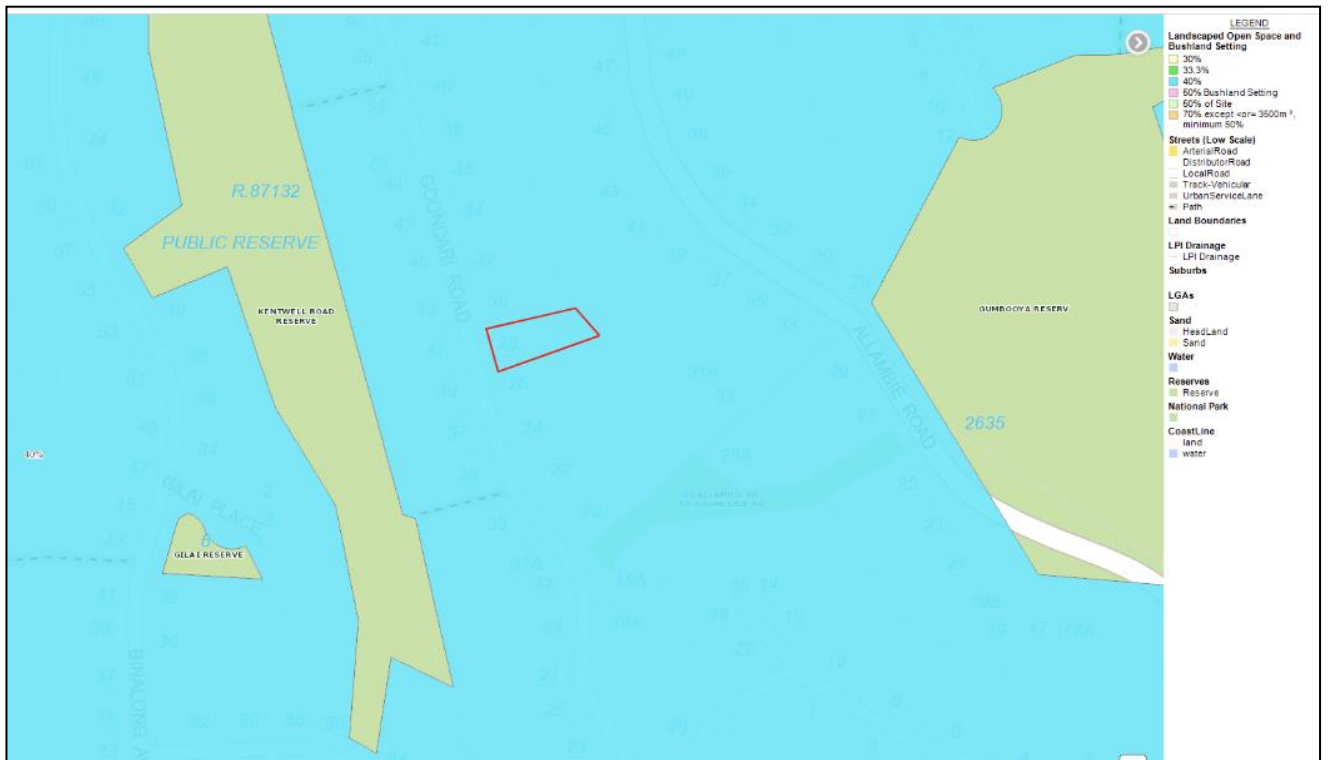


Figure 6: Warringah DCP Landscape Open Space and Bushland Setting

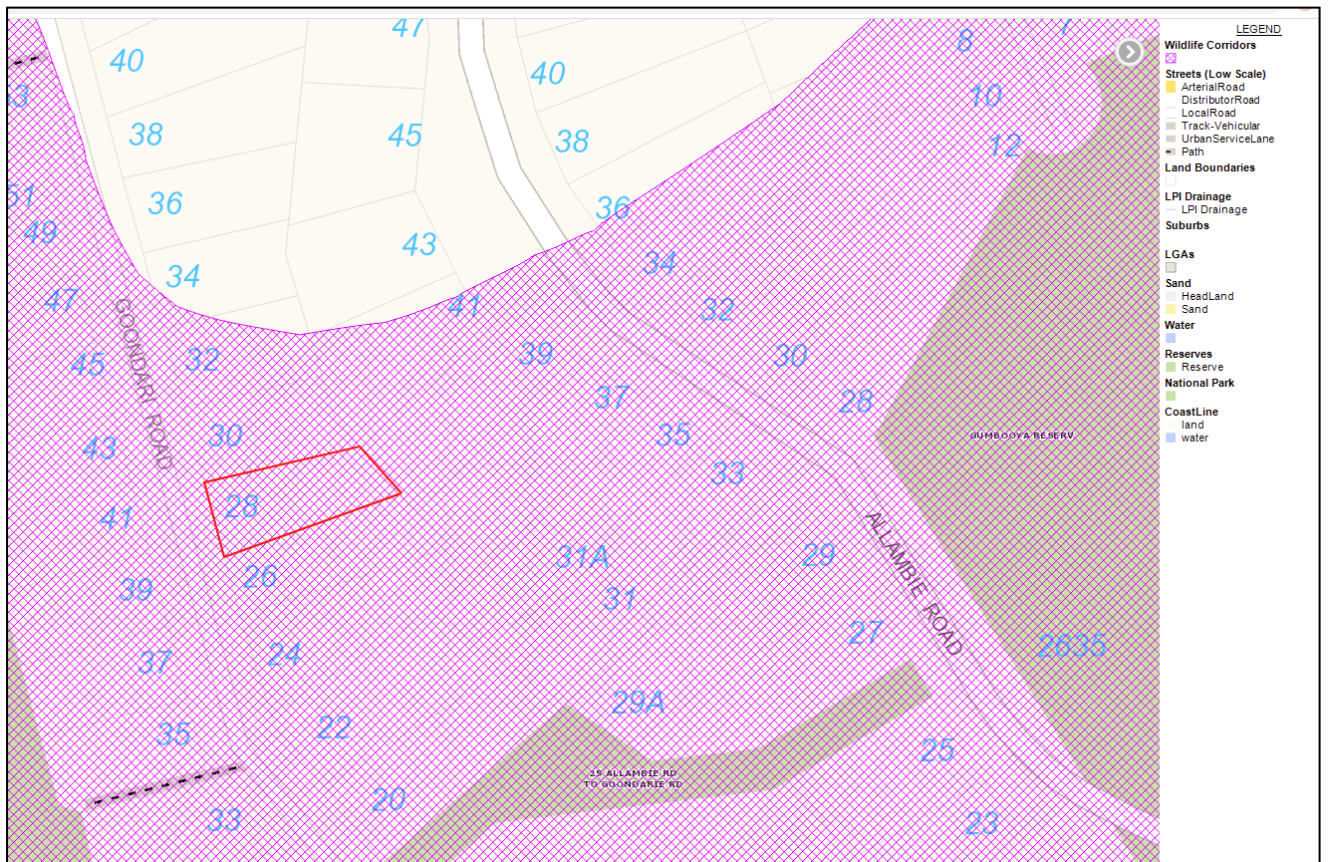


Figure 7: Warringah DCP Wildlife Corridors

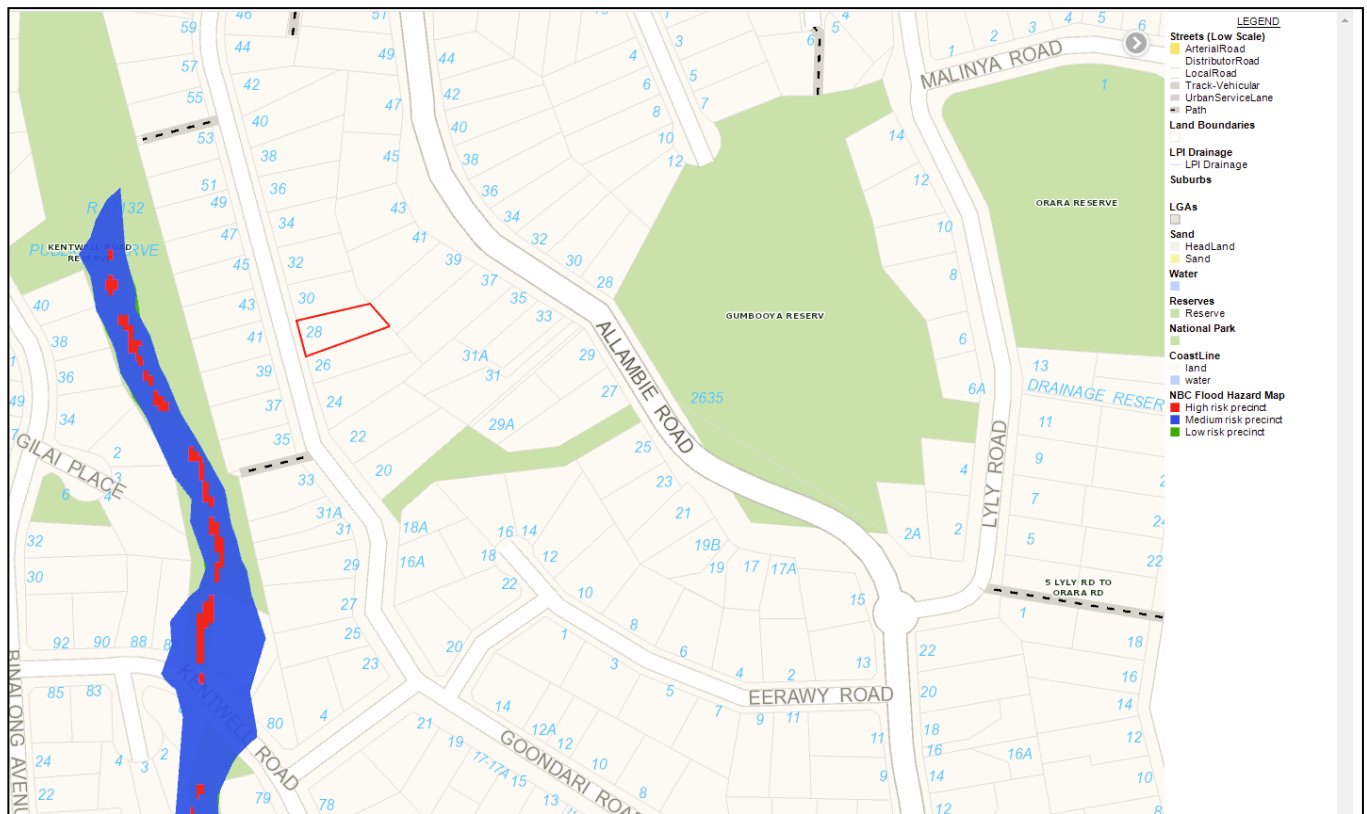


Figure 8: Northern Beaches Council Flood Hazard Map