

STATEMENT OF ENVIRONMENTAL EFFECTS

Prepared for
NORTHERN BEACHES COUNCIL

**546 Pittwater Road,
North Manly NSW**

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1. INTRODUCTION

1.1 Background

This Statement of Environmental Effects (SEE) relates to the Development Application (DA) for a residential development proposal at 546 Pittwater Road, North Manly (the Site). The Site is legally described as Lot 3 in DP 391122. It has a total area of 645sqm, and currently contains a two-storey dwelling house (the Principal Dwelling) accessed from Pittwater Road and a detached 'granny flat' (the Secondary Dwelling) which is accessed from a right of way at the rear, via Hope Avenue.

The 'P&O Style' Principal Dwelling was constructed circa 1940 and has not undergone any significant alterations or additions since that time. The Secondary Dwelling was the subject of a complying development certificate (CDC2015/0418).

A thorough investigation of the Site, the existing dwellings and the contextual relationship to the adjoining development in the landscape has been undertaken. The Site Analysis is shown on the architectural drawing DA-01. It helps identify the constraints and opportunities arising for this Site, and prepare a site-specific design response, as detailed in this SEE.

1.2 Overview of the Proposed Development

The proposed development involves alterations and additions to the Principal Dwelling, with a small amount of excavation and limited demolition to allow a new two-storey extension at the rear. The roof, bulk of the existing building and the western elevation to Pittwater Road remain largely unchanged. The proposed development also includes landscaping works to the rear garden and side boundaries, as detailed in the Landscape Plan prepared by Helen Rogers Landscape Architect dated October 2021.

1.3 Objectives of the Development

The key objectives of the development are to maintain as much of the existing building fabric and architectural character of the Principal Dwelling and meet the accommodation needs of the owners' growing family.

The alterations and additions are designed to:

- accommodate a larger kitchen, second family bathroom and second living area, with minimal intervention to the existing building,
- provide direct access to outdoor private open space at both levels,

- take advantage of the topography and orientation for solar access at both levels,
- retain the streetscape appearance,
- maximise privacy for the house and neighbouring dwellings, and
- reduce noise penetration from Pittwater Road into the rear garden.

The design challenge is to integrate the extension and the existing 1940's house with a simple but complementary modern addition that gently and elegantly connects the old and the new across complex topography.

1.4 Scope of the report

An investigation of the Site and surrounds has been undertaken, and the environmental and social interactions of the proposed development examined. All relevant matters to be considered by the Northern Beaches Council have been addressed in this report, including:

- Details of the Site and the existing environment.
- A description of the proposed development (demolition, internal alterations, the building extension, bulk & scale, heights, setbacks, landscaping etc).
- An assessment of the development against the relevant matters for consideration set out in s4.15 of the Environmental Planning and Assessment Act 1979 (EPA Act).
- A summary of the development's compliance with the applicable planning provisions in the Warringah Local Environmental Plan 2011 (WLEP), the Warringah Development Control Plan 2011 (DCP), and relevant State Environmental Planning Policies (SEPPs).

Supporting documents lodged with the development application and referred to in this report include:

- Site Survey prepared by H&S Land Surveyors Pty Ltd.
- Architectural drawings prepared by Ava Shirley Architect (NSW Registration #10339).
- Landscape Plan and Landscaped Area Calculations prepared by Helen Rogers – Landscape Architect.
- Certified Shadow Diagrams prepared by Deneb Design.
- DCP Envelope Massing Study prepared by Deneb Design.
- BASIX Certificate No A426977 dated 8 October 2021.
- Stormwater Management Plan and Statement prepared by Ava Shirley Architect in conjunction with Gubler & Associates.
- Erosion and Sediment Control Plan prepared by

Ava Shirley Architect in conjunction with Beach Houses Australia.

- Geotechnical Report prepared by White Geotechnical Group.
- Cost Summary Report Form prepared by Beach Houses Australia, and
- Waste Management Plan prepared by Beach Houses Australia.

2. THE SITE AND ITS CONTEXT

2.1 Site Location

The site is situated on the eastern side of Pittwater Road, between Hope Avenue and Sterland Avenue, opposite the Warringah Golf Course, as shown on the Location Plan (Figure 1).



Figure 1 – Location Plan.

Source: Northern Beaches Council maps website

The site has a 15.24m wide frontage to Pittwater Road and a depth of 42.67m. Driveway access is available to the basement level garage of the Principal Dwelling off Pittwater Road. The Secondary Dwelling at the rear enjoys independent pedestrian and vehicular access via a right of way from 2A Hope Avenue. The right of way also provides access to a number of neighbouring properties.

The site rises steeply up from Pittwater Road towards the rear right of way - a level change of approximately 12m. Level changes occur with a mixture of natural rock outcrops and constructed retaining walls. A series of external stairs and pathways currently provide pedestrian access around the northern side of the Principal Dwelling, across the intervening courtyard and

rock outcrop and up to the carport level of the Secondary Dwelling.

There are currently three significant trees on the site – a Juniper Pine tree in the Pittwater Road front setback and two Angophoras in-front of and behind the Secondary Dwelling at the rear of the property.

The existing dwellings, trees, pathways, retaining walls, rock outcrops, levels and relationship to the immediately adjoining dwellings are shown on the Site Survey.

2.2 Existing Development

The DA relates to the existing Principal Dwelling which is a detached, four-bedroom two-storey dwelling house (with basement parking and storage area) that occupies the front or lower eastern portion of the Site.

The kitchen, dining and living spaces, and one of the bedrooms, are located on the first floor level. The ground floor is split across two levels, connected by a small stair in the central stair well and circulation space. The lower ground floor (at RL 10.13) contains the entry and two bedrooms. The upper ground floor (at RL 11.01) contains one small bedroom, a small bathroom and separate toilet.

A small outhouse in the backyard contains the external laundry. Parking for one vehicle is available within the garage located in the partial basement level. Parking for a second vehicle is possible on the existing driveway. The Principal Dwelling has a small footprint of approximately 76 sqm, and a total Gross Floor Area (GFA), excluding the basement garage and storage areas, of 118 sqm. The Principal Dwelling has not been altered significantly over its lifetime, is structurally sound and is in a good state of repair.

The courtyard at the rear of the Principal Dwelling is compromised by the limited space, and a concrete pedestrian bridge that connects the first floor of the house to an area at the top of the retaining wall near the laundry. The decked courtyard is accessed off the rear circulation space of the upper ground floor, with poor connectivity to the living areas on the floor above.

The rock outcrops and the large Angophora trees provide an attractive outlook, as well as visual privacy between the Primary and Secondary Dwellings. The open space at the rear of the house is well orientated to receive northern sunlight despite the topography. There is visual privacy from Pittwater Road, however traffic noise funnels into the courtyard space, via the front yard of 544 Pittwater Road.



Figure 2 - Principal Dwelling from Pittwater Road.



Figure 3 - Principal Dwelling from rear of Secondary Dwelling.



Figure 4 - Secondary Dwelling, from right of way.



*Figure 5 - Existing open space between the 2 dwellings
(from first floor of Principal Dwelling).*

2.3 Surrounding Development

Immediately to the north of the Site is 548 Pittwater Road which is occupied by two dwellings: the original two-storey house located at the elevated rear of the property and accessed from the right of way off 2A Hope Avenue, and a recently constructed, but not yet completed, secondary dwelling at the lower level or front of the property, facing Pittwater Road. The location of these dwellings relative to the existing dwellings on the Site is shown on the Site Survey.



Figure 6 - Secondary Dwelling, at 548 Pittwater Road.

To the south, at 544 Pittwater Road, a single-storey dwelling house occupies a block of a similar size to that of the subject property. The house is located at the elevated rear of the lot, also with vehicular access off the right of way from Hope Avenue. This results in a large front building line setback from Pittwater Road, offering future development potential to this site.



Figure 7 - 544 Pittwater Road

On the opposite side of Pittwater Road is the Warringah Golf Course which presents as a heavily treed outlook from the site. Pittwater Road carries a high traffic load, generates considerable traffic noise and is an important transport corridor with regular bus services between Manly and the Northern Beaches.

3. THE DEVELOPMENT PROPOSAL

It is proposed to retain the bulk of the original Principal Dwelling, including most of the layout, building fabric, external walls, window openings and roof. A two-storey extension is proposed at the rear of the house, on the southern side of the courtyard. To minimize the height of the new extension and prevent alterations to the existing pitched roof of the house, the extension is set slightly below the existing floor levels and has a flat roof that tucks under the eaves of the existing roof. The lower level is only partially evident as it sits below natural ground level, into the existing excavated courtyard, and will read as partial single-storey from the South.

The lower level of the new extension will contain a family room with direct access to the rear courtyard. A new kitchen with small eating area, walk-in pantry and laundry is provided on the upper level. Direct access from the kitchen and laundry will be available to the upper level open space of the existing rock outcrop. Landscaped terraces and an informal access will traverse and connect the two open spaces.

Alterations to the existing Principal Dwelling on the upper ground level involve:

- combining the toilet and bathroom into a reconfigured main bathroom, and extending the northern wall of the bathroom by 1m to accommodate a bath,
- extending the bedroom's southern wall by 950mm to align with the southern wall of the new extension, and
- opening up access to the lower courtyard with French doors off the central circulation space.

The extension of the bedroom on the upper ground level allows the southern wall of the new addition to 'sleeve over' the southern wall of the existing house and integrate the two structures. It also allows a new bedroom window to face the street, which in turn allows a reduction in window openings to the side boundary.

On the top level of the existing Principal Dwelling the proposed alterations involve:

- extending part of the living area's southern wall to align with the external wall of the new addition and bedroom below, reducing the size of the window that faces the side boundary to improve privacy, and to accommodate a small built-in seat off the living area,
- converting the kitchen to a bathroom, and

- erecting a new awning (set beneath the existing eaves) over the west-facing upper balcony, to provide protection from rain and afternoon sun in summer.

With the exception of one of the south-facing windows in the master bedroom being reduced in size, there are no changes to the lower ground level, front yard and entry, circulation space and stair, or the basement of the Principal Dwelling.

The existing laundry outhouse and pedestrian bridge at the rear of the house will be demolished. The retaining wall on the eastern side of the lower courtyard will also be demolished and rebuilt as part of the landscaping works to construct new steps and informal path from the lower courtyard to the upper courtyard. The existing decking that forms the floor of the lower courtyard will be removed, and replaced with a garden of low shrubs and ground covers, with stepping stone access across it. During the demolition and excavation process, it is intended that uncovered sandstone boulders be integrated into the landscaped area under the direction of the Landscape Architect. The proposed landscaping works are illustrated on the Landscape Plan.

Mindful of the potential for any future development at the front of 544 Pittwater Road adjoining to the south, and the need to protect privacy, the overall scale of window openings in the southern façade of the Principal Dwelling have been reduced, as shown on the southern elevation of the architectural drawings (Dwg no. DA-40).

For privacy reasons the windows of the bathrooms in the north-east corner of the Principal Dwelling will be glazed in obscure translucent glass.

4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT

Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EPA Act) sets out the matters which the consent authority is to take into consideration when determining a development application. Section 4.15(1) of the EPA Act is quoted below, with emphasis added (by underlining) on those matters that are relevant to the DA and addressed in this SEE.

4.15 Evaluation

1) Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application –

- (a) the provisions of –
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),**that apply to the land to which the development application relates,**

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

The relevant environmental planning instruments addressed below in this SEE are the Warringah Local Environmental Plan 2011, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) and State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).

The relevant development control plan addressed is the Warringah Development Control Plan 2011.

The main environmental effects are to the potential privacy, overshadowing, view and visual impacts to the immediately adjoining properties. Each of those impacts, and how they are mitigated or improved by the development, are assessed as part of the development's compliance with the WLEP and DCP.

The development will also have numerous positive impacts on the amenity of the dwelling for its residents.

5. THE WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP)

Complies

5.1 Aims of the WLEP (cl 1.2)

The proposed development meets the relevant aims of the WLEP, particularly 2 c), d) and f) relating to existing amenity, residential development and environmental quality.

The development will protect and enhance the residential use and amenity of the existing residential environment. It is compatible with neighbouring development in terms of bulk, scale and appearance, and will enable the modified house to better accommodate the growing family of the owner-occupiers.

It will also help achieve development outcomes of quality urban design. By minimizing demolition and implementing the commitments in the BASIX Certificate the proposed development contributes to the efficient and sustainable use of energy and resources.

Complies

5.2 Land Use Table – Zone R2 (cl 2.3)

The site is zoned R2 Low Density Residential (R2 Zone) under the WLEP. The proposed development for alterations and additions to a dwelling house is permissible with consent in the R2 zone.

Complies

5.2 Zone Objectives

The objectives of the R2 Zone are:

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

The proposed development will significantly improve the functionality and amenity of the existing Principal Dwelling and better meet the needs of its residents by creating connections between living and outdoor spaces, as well as more functional bathroom and kitchen facilities that better suit contemporary living.

The three significant trees are unaffected by the development, the streetscape and landscaped setting as perceived from Pittwater Road remain largely unchanged. The private open spaces will be enhanced with more vegetated landscape treatment and retention of the existing rock platforms.

Complies

5.4 Height of buildings (cl 4.3)

The maximum permissible building height as specified on the Height of Buildings Map is 8.5m.

The Principal Dwelling currently has a building height of 10.78 metres measured from the "ground level existing" in the partially excavated basement garage (RL 7.55) to the roof ridgeline (RL 18.33). The proposed development does not alter this height.

The maximum height of the new extension, measured from the "ground level existing" at the lowest point of the new southern wall (at RL 9.1) to the top of the parapet immediately above (at RL 16.15) is 7.05 metres, and therefore complies with the development standard. The bulk of the extension, however has a height that varies from 4.7 metres for the two-storey portion to 2.7 metres for the single storey portion.

Not Applicable

5.5 Floor Space Ratio (cl 4.4)

There is no floor-space ratio (FSR) applying to the Site.

Not Applicable

5.6 Heritage Conservation (cl 5.10)

The Site is not within a heritage conservation area, nor in proximity of any heritage items identified in the WLEP.

Not Applicable

Acid sulphate soils (cl 6.1)

The front setback of the Site is identified on the Acid Sulphate Soils Map as 'Class 5'.

However, the proposed works do not fall under the description of works in cl 6.1.2's Table.

Complies

Development on sloping land (cl 6.4)

The Site is identified as land within Area A of the Landslip Risk Map. The proposed development involves minor earthworks (excavation) only and does not alter the existing drainage patterns.

It therefore satisfies the WLEP provisions to

- not cause significant detrimental impacts arising from stormwater discharge from the development site, and
- not impact on or affect the existing subsurface flow conditions.

Refer to the Geotechnical Report prepared by White Geotechnical Group for further information. The proposed development has been deemed suitable for the site in their professional opinion.

6. THE WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (DCP)

With respect to development control plans section 4.15(3A) of the EPA Act provides:

(3A) Development control plans *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—*

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

Relevant provisions of the Warringah DCP 2013 are addressed below.

Part A General Requirements

Complies

6.1 Objectives of the DCP (cl 1.6)

"The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability."

The proposal achieves this overriding objective.

The other relevant objectives of the DCP are:

- *"To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood.*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome.*

- *To inspire design innovation for residential, commercial and industrial development.*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah."*

The proposal is consistent with each of these objectives of the DCP.

6.2 Part B Built Form Controls

Complies

6.2.1 B1 Wall Heights

The wall height (as defined in the DCP) of the proposed extension ranges from 2.3m to a maximum height of 6.5m and therefore complies with the 7.2m control. Refer Southern Elevation in Architectural drawing Dwg DA-40.

Partially complies
Non-compliance minor

6.2.2 B3 Side Boundary Envelope

The side boundary envelope is defined by a line projected at 45 degrees from a height of 4m above the ground level (existing) at the southern side boundary.

The majority of the proposed extension, east of the existing dwelling alignment sits well within this envelope. Section 2 in Architectural Dwg No. DA-50 shows the complying new addition.

The proposed awning over the western balcony and a small portion of the extended 'sleeve wall' that extends to the west of the existing house alignment penetrates the envelope, as shown coloured red in Figure 8 below.

A portion of the existing Principal Dwelling (wall and roof), shown coloured green in Figure 8, also breaches the envelope at this location, due to the falling ground level. Section 1 in Dwg DA-50 shows the small breach of the envelope caused by the extended living room of the existing house.

The extent to which the existing and proposed development exceed the side boundary envelope is shown on the 3D DCP Envelope Massing Study prepared by Deneb Design. An extract of the 3D envelope diagram is shown in Figure 8 below.

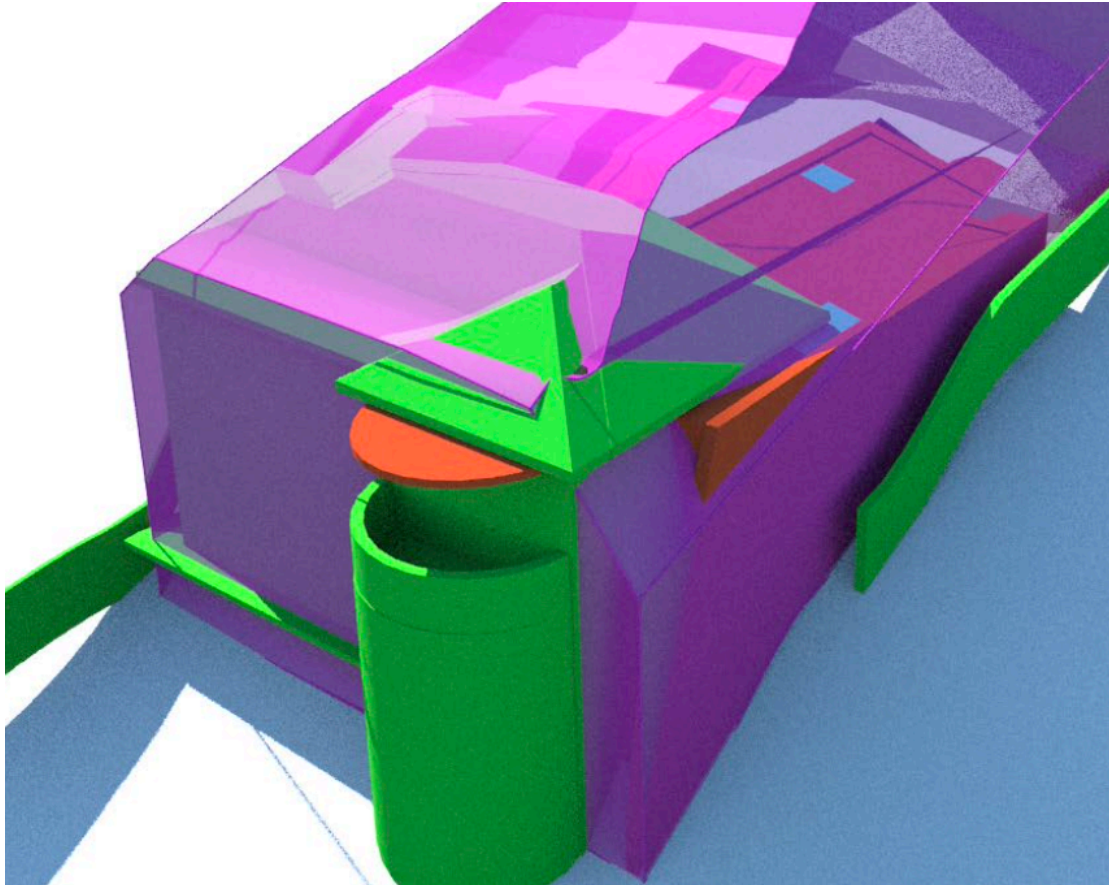


Figure 8 – 3D Model with Side Boundary Envelope –
Extracted from sheet SD-02 of the DCP Envelope
Massing By Deneb Design

Complies

Objectives of the side boundary envelope

The objectives of the side boundary envelope controls are:

- *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.*

The infringement is minor in both its vertical and lateral extent. Where the breach occurs it is within the 'lee' of the existing Principal Dwelling and therefore does not materially change the visual bulk at this point.

The proposal reduces the window openings in the southern wall of the existing dwelling and there are minimal windows in the extension. None of the windows in the southern wall align with or look directly into the

neighbouring dwelling to the south. The proposed alterations and additions results in less privacy impacts than at present. (Refer to Privacy Impacts of the proposal addressed at 6.3.6 of this SEE).

The area of the sleeve wall that breaches the envelope does not materially add to the shadows cast by the existing building at this point (refer shadow impacts assessment at 6.3.4 of this SEE).

The minor breach occurs as a result of the topography of the site, which falls away fairly steeply at this point. The sleeve wall is angled downwards towards the street in response to the sloping topography.

Complies

6.2.3 B5 Side Boundary Setbacks

The proposed extension is setback 0.9m from the southern side boundary and therefore complies with this control.

6.3 Part D Design Controls

Minor non-compliance 6.3.1 D1 Landscaped Open Space and Bushland Setting

The DCP requires a minimum of 40% of the site area to be "landscaped area". When calculating this area *driveways, paved areas, roofed areas, ... decks, etc, and any open space areas with a dimension of less than 2 metres* are excluded. Impervious surfaces which occur naturally such as rock outcrops are included in the calculation.

The Landscape Area Calculations Dwg No. L01 shows the area calculations for the landscaped open space as existing and proposed.

The Site currently has a landscaped area of 263 m² or 41% of the Site. Post development this changes only marginally because the extension is largely built over the existing lower (decked) courtyard and the paved pedestrian path which is not included as landscaped area. Under the proposal the laundry is removed, the pedestrian paths change, new planters are introduced, and in the lower courtyard the deck is restored to landscaped area with low planting.

Upon completion of the development the landscaped open space will measure 253 sqm or 39% of the site area, a net change of minus 10 sqm. This is a conservative estimate that assumes that the existing near-level rock outcrop cannot be graded into a uniform surface suitable for alfresco dining, and hence

brick-paving is shown. It would be desirable (and will be explored during construction) that the existing sandstone rock be honed to level this surface as an alternative to the brick paving. The inclusion of this rock out-crop in the area calculations would then increase the Landscaped Area by approximately 16m².

Complies

6.3.2 D2 Private Open Space

The proposal satisfies all of the objectives for private open space and also meets all of the relevant requirement for a minimum area of 60m² and minimum dimension of 5m. Specifically

- It has a total area (upper and lower courtyards combined) of 63 m² and a minimum dimension of 5.2m. This is a dramatic improvement on the existing layout, that under the WLEP definition requires the 'Private open space is to be directly accessible from a living area...'.
- The proposed development has been deliberately designed to improve the access between living areas and the private open space. It now provides private open space that is directly accessible from the new living area (to the lower courtyard) as well as from the eat-in kitchen (to the upper courtyard) such that the private open spaces are "... capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play" as required by the DCP.
- The private open space is "... located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development". Privacy is achieved by the extended side wall, fencing and landscaping.
- The private open spaces are not located in the front setback.
- The private open spaces are located to the north of the building to maximise solar access.

Complies

6.3.3 D3 Noise

The proposed development as an extended family home will not generate any undue noise. The air conditioning plant has been located in the small cavity under the extended bedroom facing the street and where the new south wall shields noise emissions to the neighbouring property at 544 Pittwater Road.

The proposed extension will provide an acoustic shield to the private open spaces on the Site and on the adjoining property at 548 Pittwater Road.

Complies

6.3.4 D6 Access to Sunlight

The extension is designed to maximise solar access to the private open space, the kitchen and new living area.

Complies

Objectives of the access to sunlight controls

The objectives of the access to sunlight controls are:

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment and public open space.*
- *To promote passive solar design and the use of solar energy.*

The requirements of the access to sunlight controls are:

1. *Development should avoid unreasonable overshadowing any public open space.*
2. *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.*

The shadows cast by the existing and proposed development are illustrated on the shadow diagrams prepared by Deneb Design for 9:00am, 12:00pm and 3:00pm in midwinter. The shadow diagrams demonstrate that the access to sunlight requirements of the DCP are more than adequately satisfied.

The nearest public open space is the Warringah Golf Course. The proposal will not result in any overshadowing of the golf course. At 9:00am in midwinter the additional shadow cast by the proposed extension falls wholly within the roadway of Pittwater Road.

The required area of private open space for the Principal Dwelling is 60 sqm. More than 50% of this required area will receive at least 3 hours of sunlight between 9:00am and 3:00pm, consistent with the DCP requirements.

Sunlight access to 544 Pittwater Road to the south is minimized by the flat roof and building height which more than complies with the maximum permitted by the WLEP controls. The shadow diagrams show:

- the proposed development will not impact on the private open space located at the rear (east side) of 544 Pittwater Road, and
- the increase in overshadowing of the front garden facing Pittwater Road, is minimal.

Complies

6.3.5 D7 Views

The development satisfies the objectives and requirements of the DCP's controls for view sharing. The view impacts are minor and satisfy the Planning Principles established by the NSW Land and Environment Court in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140* as required by the DCP.

Any views across the site from adjoining properties are oblique views of the golf course and its tree-lined boundary to Pittwater Road. The direct views of the trees and golf course, from the adjoining properties, will remain unchanged. The majority of the oblique views will also be retained due to the elevated position of those dwellings and the low roof height of the proposed extension.

The objective to ensure existing canopy trees have priority over views is achieved, as the three major trees, which are to be retained, are all taller than the proposed extension.

Complies

6.3.6 D8 Privacy

The requirements of the relevant privacy controls are:

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
3. *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
4. *The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*

The privacy for the occupants of the dwelling and of adjoining dwellings has been carefully considered and resolved in the proposed design. The closest dwellings are the house at 544 Pittwater Road, the Secondary Dwelling on the Site and the Secondary Dwelling at 548 Pittwater Road. The Principal Dwelling at the rear of 548 Pittwater Road is less susceptible to privacy impacts because it is further away from the proposed works, elevated above them and well screened by vegetation.

The living room and kitchen of the adjoining house at

544 Pittwater Road are located in the north-west corner of that house with windows that currently look directly into the private open space and first floor living room of the Principal Dwelling on the Site. The proposed extension will significantly improve the current poor level of visual privacy between these two properties. This is achieved by:

- The new extension screening views between the living rooms of the two dwellings.
- The use of minimal windows in the new southern elevation. The proposed windows are necessary for light and cross-ventilation purposes and are a reduction in the size and number that currently exist. None of the proposed windows look directly into the neighbouring dwelling.
- The southern wall and roof over the upper courtyard are extended in an easterly direction, where the house at 544 Pittwater Road is closest, to act as a screen for visual and acoustic privacy. The top of the wall/roof is at RL 16.15.
- The neighbour's living room window sill, is approximately 600mm lower than the roof of the extension, \approx and set back 4m from the side boundary. The neighbour's kitchen window sill is 170mm lower at RL 15.98, and set back 1300mm from the boundary. This relationship between the proposed wall/roof height and existing windows is shown on Dwg no. DA-40. This demonstrates that 544 Pittwater Road will still enjoy views across to the largest Angophora on the Site, as well as maintain good solar access.
- The existing fence is retained where it exists on the common boundary. Where the current fence deviates onto 544's property, a new, stepped fence that follows the change in level will be constructed. This has been discussed and agreed by both parties at a meeting on 23.10.2021. The existing fence is shown on the Site Survey and, along with the proposed fence is also shown on the Landscape Plan.

The kitchen windows of the Secondary Dwelling at the rear of the Site look towards the Principal Dwelling although main windows from the living areas are oriented to the north-east, facing the directly accessible private open space adjacent to the right of way. Overlooking from the kitchen window is mitigated to a large extent by the intervening landscape screening of

the Anghora tree and understorey planting, and the 800mm deep kitchen bench immediately in front of the window itself, which prevents one stepping up to the glazing line.

The new living room and lower courtyard of the Principal Dwelling will be sufficiently protected by both distance separation (being more than 9m from the Secondary Dwelling) and orientation, with additional planting in the planters on the northern side of the lower courtyard providing additional privacy.

The Secondary Dwelling on the adjoining property at 548 Pittwater Road has a singular, south facing window to the common boundary with the Site, although this window is below the natural ground level of the boundary. Its living room has a directly accessible elevated balcony oriented to the street (with screen to the south) and a private open space to the rear. The rear courtyard is screened by the existing fence and vegetation and will be further protected when the approved screen to that courtyard (as a part of MOD2019/0277) is erected. Refer to Section 1 and 2 on Dwg. No DA-50 for this relationship.

Currently there is some oblique overlooking from the Site into the rear of this adjoining dwelling from the pedestrian bridge and from the first floor north and east facing kitchen windows in the Principal Dwelling. This will be significantly improved when the pedestrian bridge is demolished and the kitchen is converted into a bathroom, with windows glazed in obscure translucent glass.

Privacy from the new kitchen windows is mitigated by distance (at 9m to the courtyard at 548 Pittwater Road), the existing boundary fence, to be retained, and planting along the boundary which will extend above the height of the fence (refer to Landscape Plan).

Complies

6.3.7 D9 Building Bulk

The requirements of the relevant building bulk controls and how the proposed development responds to them are set out in the following table.

<p>1. <i>Side and rear setbacks are to be progressively increased as wall height increases.</i></p>	<p>Rear and north side setbacks are not applicable, as the extension far exceeds the minimum requirements. Progressive stepping of the south wall is not necessary for solar access and privacy reasons (see above) and achieves the objectives of the control. It would be a poor design response in terms of integration with the existing house.</p>
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<p>2. <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>Complies.</p> <p>The southern side wall is the longest wall visible from Pittwater Road, but it deliberately designed to be on a different plane to that of the existing house. The new wall is varied by the window openings, the sloping 'sleeve' that wraps the junction of the old and new building, and the use of bagged brick as a differentiating material to the render of the existing house. The use of face-brick at the articulation of the window openings will provide additional visual interest.</p> <p>The new southern wall will also be planted with a creeper to provide visual interest and a softening of the wall. (Refer Landscape Plan).</p>
<p>3. <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:</i></p> <ul style="list-style-type: none"> - <i>The amount of fill is not to exceed one metre in depth.</i> - <i>Fill is not to spread beyond the footprint of the building.</i> - <i>Excavation of the landform is to be minimised.</i> 	<p>Complies.</p> <p>The height and bulk of the new addition is minimized, the extended sleeve wall sits below the eave of the existing house and slopes down towards Pittwater Road following the natural slope of the land.</p> <p>There is minimal excavation, cut or fill required by this design. No fill exceeds one metre in depth and there is no fill beyond the footprint of the house.</p>
<p>4. <i>Building height and scale needs to relate to topography and site conditions.</i></p>	<p>Complies.</p> <p>See comments above.</p>
<p>5. <i>Orientate development to address the street.</i></p>	<p>Not applicable.</p> <p>The rear extension is appropriately oriented to address the private open space. The streetscape appearance of the building remains largely unaltered.</p>
<p>6. <i>Use colour, materials and surface treatment to reduce building bulk.</i></p>	<p>Complies.</p> <p>The use of bagged brick on the new southern wall will effectively differentiate the old building from the new extension and reduce the building bulk. The change in material to the use of face-brick at the articulation of the window openings will provide additional visual interest.</p>
<p>7. <i>Landscape plantings are to be provided to reduce the visual bulk of new building and works.</i></p>	<p>Complies.</p> <p>The landscaping of the wall (refer Landscape Plan) will add a visually interesting and attractive 'green' layer. Screen planting along the side boundaries is provided where-ever</p>

	practicable. Refer to Landscape Plan
8. <i>Articulate walls to reduce building mass.</i>	The alternative innovative design approach is for a sloping sleeve wall, which is a more appropriate design solution to clearly differentiate the old and new building work. Additionally, each of the windows on the Southern wall are articulated with a corbelled face-brick slot, and inverted segmental arches, to provide architectural interest and articulation.

Complies

6.3.8 D10 Building Colours and Materials

The proposed colours and materials are included in the schedule on the architectural drawing Dwg DA-63. They have been carefully selected to be sympathetic to the surrounding natural and built environment, consistent with the objective of these controls, and to complement the existing external building façade of the 1940's house, consistent with the DCP's requirement for alterations and additions.

Complies

6.3.9 D11 Roofs

The flat roof of the extension is a highly appropriate design solution in this instance. It sits beneath the eaves of the existing roof to maintain the design integrity of the 1940's main house, and keep the existing roof intact. Appropriately, with this design, the old and new roof forms are clearly differentiated, with the new roof subservient to the old.

The low, flat roof also minimizes shadow impacts and maximises view sharing for adjoining dwellings.

The proposed roof is also consistent with the relevant requirements in the DCP as it:

- incorporates eaves for shading, and
- the colourbond roofing of the proposed extension is to be in 'Dune' which is classified as a 'Medium' in the BCA, which does not produce excessive glare and reflection.

Complies

6.3.10 D 15 Side and Rear Fences

The existing side and rear fences will be retained, with the exception of a small portion of the boundary fence shared with 544 Pittwater Road that currently deviates in its alignment with the boundary. The replacement paling fence will be rectified to sit on-boundary.

8.1.1 Complies

6.3.11 D22 Conservation of Energy and Water

A BASIX Certificate is provided, so the D22 controls are not applicable. Nevertheless the orientation, layout and landscaping, fenestration, design and materials are all carefully considered in terms of passive environmental design principles to make the best use of natural ventilation, cross ventilation, daylight and solar access.

7. APPLICABLE SEPPs

Complies

7.1 SEPP (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)

The BASIX SEPP aims to make all residential dwelling types in NSW energy and water efficient. The proposal utilises BASIX design principles that encourage a reduction in energy use through specific design strategies for lighting, heating, cooling, and ventilation.

A BASIX Certificate has been submitted as part of this development application, demonstrating compliance with the BASIX SEPP.

Complies

7.2 SEPP No 55 – Remediation of Land (SEPP 55)

SEPP 55 requires consideration of whether the site may be contaminated and requiring remediation. Given the long term existing and proposed residential use and no evidence of contamination the Site is considered suitable for the proposed development with no further action needed.

8. CONCLUSION

The proposed alterations and additions have been designed to improve the accommodation, maximize solar access and provide greater connectivity to private open spaces, whilst sensitively maintaining the integrity and character of the 1940's house and the amenity of the adjoining properties.

The alterations utilise the natural rock features and respond appropriately to the topography and landscape setting of the Site.

The design is innovative in its use of a 'sleeve wall' at the junction of the new extension in a manner that makes the extension clearly distinguishable from, and a comfortable fit with, the original dwelling.

The materials and colours have been selected to complement the local character, the streetscape is unaltered, the significant trees have been retained and the landscaping of the site has been enhanced.

The proposed development complies with all the relevant provisions of the WLEP and is consistent with all planning objectives and key requirements of the DCP.

In terms of its merits, there are no significant adverse privacy, acoustic, view, overshadowing or visual impacts as a result of this proposal. The amenity of the Principal Dwelling is significantly improved and the amenity of the adjoining dwellings is maintained or enhanced.

For the reasons set out in this SEE the likely impacts of the proposal are acceptable and the Site is considered suitable for the development, satisfying all relevant matters for consideration under s4.15(1)(a), (b), (c) and (e) of the EPA Act.

Council's consent to the proposed development is therefore respectfully requested.