

---

**Sent:** 9/10/2020 11:12:35 AM  
**Subject:** letter of objection to DA 2020/1163 No 24 Wandeen  
**Attachments:** 24 Wandeen.docx;

Dear Sir,  
Please find attached our Objection to the DA for 24 Wandeen.

**Regards**

**David Poppleton**

SUBMISSION:

a written submission of objection to DA 2020/1163

Mr David Poppleton  
181 Hudson Pde  
Taylors Point  
NSW 2107  
9 October 2020

Chief Executive Officer  
Northern Beaches Council  
725 Pittwater Road  
Dee Why  
NSW 2099  
Northern Beaches Council  
council@northernbeaches.nsw.gov.au

Dear Chief Executive Officer,  
Re: 24 Wandeen Road Clareville NSW 2107  
DA 2020/1163

**WRITTEN SUBMISSION: LETTER OF OBJECTION**

Submission by: David Poppleton  
Environmental Planner, Town Planner, Development Manager, Director of the Pittwater  
Environment Foundation, Marchitect, local resident since 1968.

This document is a written submission, objecting to DA 2020/1163  
lodged under Section 4.15 of the EPAA 1979 [the EPA Act]

The DA seeks development consent for the carrying out of;  
*Construction of a new dwelling*  
Cost of Work: \$1.3m.

The subject site is zoned Zone E4 Environmental Living under the LEP.  
We are objecting on the grounds that;

- The proposal is inconsistent with the objectives of the zoning.
- The proposal has a very poor impact on the amenity and the urban design of this picturesque, ecologically and geomorphologically sensitive part of Clareville.
- The proposal is inconsistent and non-compliant to multiple controls.
- There is a very significant loss of tree canopy on the site.
- The proposal only maintains 3 of 18 trees on the site and seems to have no intention to replace these species like with like.
- We are concerned that the removal of so many native trees will have an adverse impact on the stability of the soil on such a steep sloping sight. Council should ensure that sufficient examination of the stability of the site has been taken and all works provided to ensure top soil loss and subsoil slippage.

We are concerned to the non-compliance of the LEP:  
PLEP 2014

- 1.2 Aims of Plan

- 2.3 Zone Objectives Zone E4 Environmental Living
- 4.3 Height of Buildings
- 4.6 Exceptions to Development Standards
- 7.2 Biodiversity protection

**There is absolutely no reason why a fully compliant solution to LEP and DCP controls cannot be designed on the site.**

### **Trees**

We are greatly concerned that the proposed development removes highly valued canopy species that conform to the BC Act 2016 listed EEC Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion.

The site analysis should have clearly identified

- The 33m high T14 Spotted Gum which seems in excellent health, is of high landscape value, the design solution should have considered the full retention and protection of this specimen tree.
- The 20+m high T17 Grey iron Bark Eucalypt, council should require a more highly considered concept design, to ensure that the TPZ was not put in 'harms way'.
- The multitude of other important native species listed within the final determination (NSW Scientific Committee 2013) and made a clear zone around their TPZ zones to ensure protection EEC Pittwater and Wagstaffe Spotted Gum Forest.
- The removal of five mature Black She Oaks and two Red Mahogany species creating a mature dense and important part of the ecology supporting many species of birds and potentially local fauna.

We are concerned that the Flora and Fauna Assessment Report has failed to carry out sufficient inspection to identify the local species on or using the site as a significant part of their territory.

**The design solution should consider creating a series of two storey 'pavilions' stepping down the slope, (even if 3 storey in part), to fit comfortably within 8.5m maximum building height, setback, and side boundary envelopes, with limited excavation & fill.**

The property will be greatly capitalised and worth a great deal more, without having to jeopardise the local environment and have multiple breaches of the council's planning controls.

### **Non-compliance, Height and Mass**

**The council must look closely at and request accurate reports on the areas of non-compliance.**

The property cannot be allowed to break the 8.5m height limit. Which it does even in the architect's submission.

In addition, there appears to be several inconsistencies in the way they have presented the information to project it in a less impactful way. Representations of the 8.5m maximum building height both in section and in axonometric on the Applicants drawings seem to be constructively misleading. (we are not using the word constructively in its positive context).

- The dwg 6.7 showing encroachment shaded does NOT match the 8.5m line on the contours line Dwg 4.1, 4.1.2 and 4.2 – council should recognise that the dwgs show heights from new infilled ground level and should take note of natural grd level in red.
- The cross sections provided give a misleading line of actual height at various points.

The comparison of height planes of the other dwellings should not give this building the right to not only match any existing over development but substantially exceed these....2 wrongs do not make a right – particularly when there is a compounding visual impact with the depth of the building on the lot and the removal of 13 protected species of trees.

- Building heights, 9.8m v 8.5m [15% non-compliance]
- D1.8 Front Building Line: 9.26m existing v 6.5m proposed [42% non-compliance]
- D 1.11 Building Envelope [multiple significant non-compliance]

The applicant's Clause 4.6 variation request to the building height standard, should not be accepted as it fails to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, or that the proposed development will be in the public interest.

The design could instead consider less scale & size or/and step the building both from east to west regarding the natural slop of the land as well as from the south to north. Its fine wanting a large house, as long as it fits within the given boundaries of the site and its natural features.

### **Water runoff and retention**

Could Council please ensure they double check the proposed water management plan.

Given the misleading height interpretations we are concerned about stormwater overflows and increased run off.

We are below the site and in the path of its runoff.

Currently in times of high rainfall we have considerable issues with surface flows and ground water flows through our property. When we built 5 years ago we did so completely within the planning controls. I designed the house specifically to comply and to fit within its environment. This included having to spend \$35,000 on a water detention tank and various traps and culverts. We are on a relatively minor slope, whereas from Wandeen the slope is intense. The overflow from the houses above on Wandeen given the slope of the land openly flows over our property drenching it for Days after rain.

Please ensure that the slope and intensity of the speed of water given that the proposal is stripping most of the trees holding the slope in place does not result in damage to our property and further damage to the ecology. If the land goes, the trees will follow and one tree through one of our homes ? Council will be responsible for the loss.

### **In conclusion**

The overall combined effect caused by the non-compliant Height of Building coupled with the non-compliant Building Envelope and Front Setback lead to a considerable unreasonable visual bulk and a very poor character as viewed from a public place. The subject site falls within a scenic protection category one area, and we contend that the overdevelopment of the site fails to meet the outcomes and objectives of the code.

The proposed development is considered to be inconsistent with the outcomes, controls and objectives of the relevant legislation, plans and policies.

The height, bulk and scale of the proposal is inconsistent with the desired future character of the E4 zone, has adverse impacts in terms of view loss, fails to maintain the general dominance of landscape over built form, and does not maintain the existing residential amenity of the area. For

these reasons, the proposal does not satisfy the aims of the LEP or the objectives of the Zone E4 Environmental Living.

**The proposal does not;**

- **Provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;** it has high impact and any noncompliance should not – need not be approved, an alternative design should be considered which is sensitive to the existing environment rather than maximises the development in spite of its environment.
- **Ensure that residential development does not have an adverse effect on those values;** it exceeds the boundaries and objectives set to protect the values.
- **Provide for residential development of a low density and scale integrated with the landform and landscape;** again, it exceeds boundaries and should be, could be designed in a more sensitive fashion to comply with the controls and objectives thereof.
- **Encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.** The development proposes the removal of 13 of 18 existing trees which form a mature and majestic canopy that has supported wildlife in a riparian corridor which is easily seen from any aerial images. Look at google Now and see for yourself. It certainly does not retain or enhance, it destroys and removes.

The applicant's written requests pursuant to clause 4.6 of Council's LEP does not adequately address the matters required to be demonstrated in subclause 4.6(3). The assessment of the written requests has found that the proposed development will not be in the public interest as defined by clause 4.6 of the LEP because it is not consistent with the objectives of the particular standards and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development does not satisfy the relevant objectives of the LEP and the relevant outcomes and controls contained in the DCP as they are reasonably applied to an application proposing a new dwelling. The outcome is a building that causes poor amenity outcomes and other amenity loss concerns due to non-compliance to multiple residential outcomes and controls. The development does not satisfy the objectives of the standard and will present poor residential amenity consequences.

The identified non-compliances have not been appropriately justified having regard to the associated objectives, outcomes and controls

The Council should require the Applicant to rectify by resubmission of Amended Plans based upon consideration of a more sensitive design, and correct all incorrect information on the DA drawings. Council has no other option than to REFUSE this DA

.

The application must be recommended for refusal.

Yours Faithfully

Mr David N Poppleton, Ms Raelee Hill  
Tully and Cassian Poppleton

