

15 July 2024

Chief Executive Officer
Northern Beaches Council
PO Box 82
Manly NSW 1655
Via email: council@northernbeaches.nsw.gov.au

Re: Objection to (Amended) DA2024/0453 – 13 Knight Street, Warriewood

Dear Ms Stephanie Gelder,

We have reviewed the amended plans and documents as part of the application in question and present this submission to outline the reasons for objection to DA2024/0453 for *Construction of a dwelling house* at 13 Knight Street, Warriewood (Lot 13 DP270922).

Specifically, this objection outlines our concerns about privacy impacts, removal of trees, height of building, stormwater, and acoustic impacts, as they relate to this amended design. We consider that this proposal, in its current form, cannot be approved until these matters have been appropriately addressed. Our objections are detailed below.

Privacy Impacts

The proposed development site exhibits a notable topographical fall, specifically a 6m drop from south to north (RL 33.90 AHD to RL 27.85 AHD). Properties on Cherry Lane (situated to the north) are positioned at a lower elevation in comparison. The impact of a dwelling being constructed here will mean loss of privacy to the living and garden areas of our residence.

The privacy concerns are compounded by the absence of any visual barriers between the proposed dwelling and our property. No vegetation or deep soil zones are proposed between the western second storey alfresco area and existing residences. A setback of only 5.1 metres from the rear boundaries of the Cherry Lane properties is considered inadequate to prevent privacy intrusions.

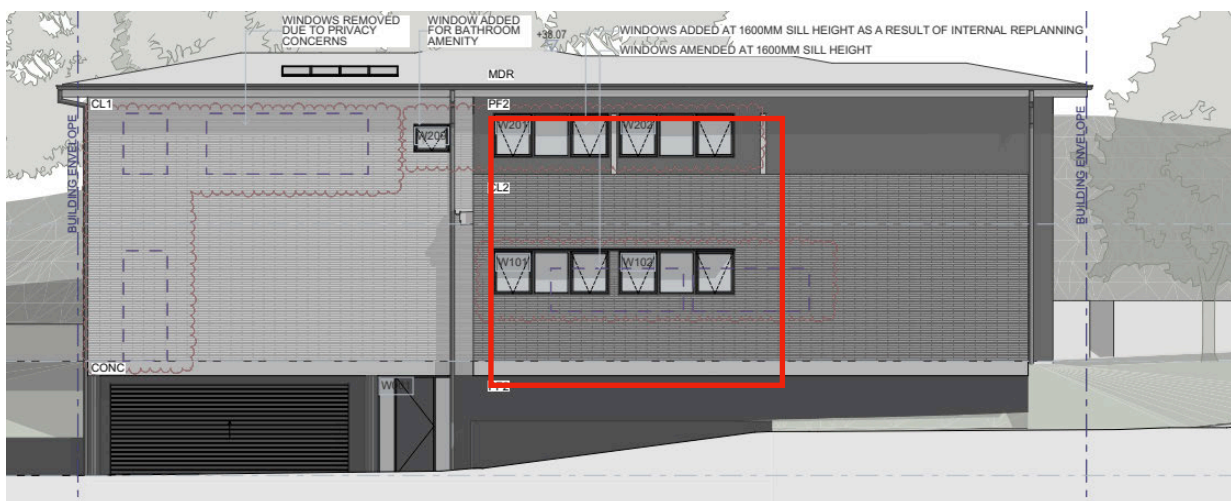


Figure 1 (above): Windows on northern facade overlooking 23 & 25 Cherry Lane.

At 25 Cherry Lane our existing alfresco area and adjacent living and dining area will be directly overlooked by the elevated windows and alfresco area of the proposed dwelling (See Figure 1). This is unacceptable as it intrudes on the existing privacy and amenity of 25 Cherry Lane.

We request the Council reassess the proposal in light of the aforementioned privacy issues and consider necessary amendments to enhance neighbour privacy and overlooking protections to Cherry Lane properties. Additionally, for the same reasons as outlined above we express concerns regarding kitchen and bedroom windows and request the installation of privacy screens (as a minimum) to address these issues.

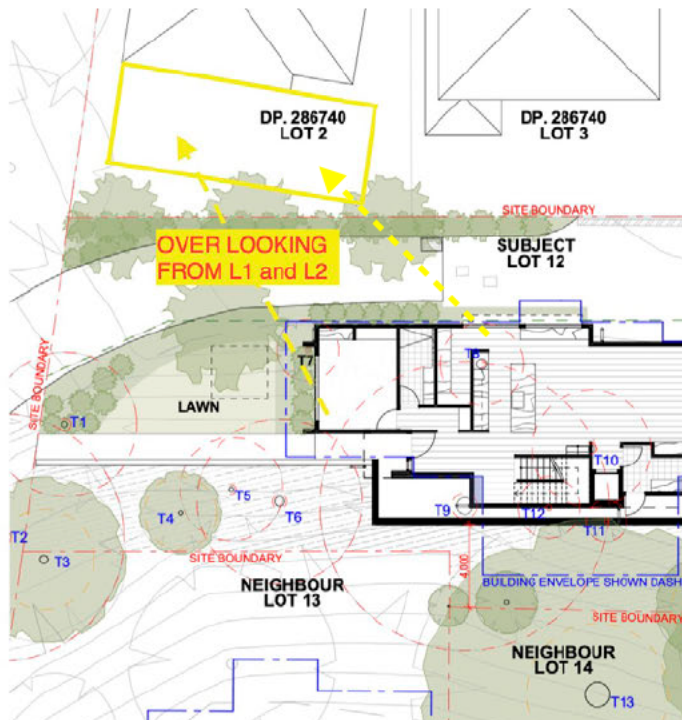


Figure 2 (above). Yellow box indicates major outdoor private open space overlooked by the proposal.

Removal of Trees

We strongly object to the proposed removal of Tree 6 (*ficus rubiginosa*) and request that the Council investigate options to ensure its retention.

We request that the proponent is required to accommodate the existing endemic tree by providing 2-3m of extra space around the trunk and root system.

The Arborist report states that the tree it is growing on a rock shelf, with considerable design the rock shelf and fig tree may be retained. A review of the building footprint and massing could protect this significant tree from any impact and actually enhance the dwelling design. **We urge Council to to seriously explore options for alternative dwelling design and access which will protect Tree 6 and to require further investigative work to determine if the fig's woody roots would be impacted by those schemes.**

Our comments from the previous submission are included here for reference:

"It is a remarkable example of an endemic self-seeded fig, with roots extensively intertwined with the surrounding rock formation. The tree has a low sweeping crown and a generous canopy, offering shelter to a diverse range of wildlife within its branches and root system. It serves as a vital refuge for many amphibian, reptilian, and marsupial species. In recent years, we have observed a wide variety of native wildlife visiting and residing in it, including bandicoots, brush turkeys, juvenile and mature water dragons, blue-tongue lizards, tawny frogmouths, red-bellied black snakes, kookaburras, cockatoos, magpies, lorikeets, rosellas, swamp wallabies, possums, various frog species, diamond pythons, and migratory Dollar Birds from PNG.

Tree 6, along with the additional six trees proposed for removal, greatly contributes to the amenity, landscape quality, and visual character of the local area. These trees are vital habitat providers, creating a much-needed pocket of remnant canopy and habitat that connects the adjacent Ingleside Chase bushland to the gardens and street trees of Warriewood. The preservation of such natural corridors is essential under local environmental policies aimed at maintaining biodiversity and ecological health.

Tree 6 offers both character and critical habitat values, and its removal would be an irreplaceable loss to the precinct. It has a long Useful Life Expectancy (ULE) rating, indicating that its value as a refuge, dwelling, and food source will only increase as it matures. As such, it will become a more significant and critical tree in the local area over time, making the decision to remove it a substantial error in judgement. Removing this tree contradicts the community's environmental values and the council's commitment to sustainable development. Furthermore, Tree 6 provides visual amenity to residences on Cherry Lane and is set to become a very valuable visual privacy screen. It will help mitigate the overlooking of Cherry Lane properties by the proposed housing on the site above, enhancing resident privacy and property value.

The previously approved building envelope was specifically designed to minimise the impact on the trees located on the western portion of the site. Despite this, the location of the proposed new walkway in this area has led to the required removal of three of the six trees located there (noting that Tree 2 is dead), all of which are identified as having medium retention value. We strongly recommend exploring an alternative design for the walkway that would avoid the removal of these three trees. The preservation of these trees would align with the community's environmental values and the original intentions of the site's approved building envelope. Our community must prioritise the protection of our local biodiversity and minimise the disturbance to the natural habitats of our native fauna.

The original building envelope plan sought to preserve the trees in this location, further highlighting the importance of retaining these trees and finding an alternative solution for the walkway. We urge the Council to prioritise the preservation of these trees and the wildlife they support, and to work with the developer to find an alternative design for the building entrance and walkway that minimises environmental impact. "

If the pathway and entry are reconfigured to the north of the proposal (e.g. colocated or combined with driveway) this could allow for the retention of the ficus rubiginosa and retain the sandstone boulder it grows upon.

Height and mass of building

The proposed dwelling configuration deviates significantly from the standards typical in a low-density detached residential area. In Warriewood Valley, the existing urban form and character predominantly consist of two-storey houses with garaging incorporated within those two storeys. This proposal, however, introduces a basement level with two additional floors above it, effectively creating a three-storey structure.

This three-storey configuration raises serious concerns about privacy. The design allows for overlooking from levels 1 and 2 into the private open space (garden), living areas, and bedrooms of 25 Cherry Lane. To address this issue, we strongly recommend that the proponent reconfigures the proposal. Specifically, we suggest relocating the garaging and storage to the eastern end of the proposed driveway. This modification would reduce the overall height of the structure to two storeys, aligning it more closely with the established neighbourhood character.



Figure 3 (above): Render depicting the poor massing and height of the proposal.

Additionally, the amended design presents several aesthetic concerns. From the perspective of properties to the north, the building appears monolithic and poorly articulated. When measured from the new concrete driveway to the gutter line, the building's height exceeds 10 meters. This imposing scale is particularly problematic at the eastern end, where the design lacks any meaningful second-storey setback to mitigate its visual impact.

To remedy these issues, we propose the following actions:

- Reconfigure the building to a true two-storey design by relocating garage and storage areas.
- Introduce more articulation in the northern facade to break up the monolithic appearance.
- Implement a significant second-storey setback, particularly at the eastern end, to reduce the perceived mass of the building.
- Ensure that the overall height, when measured from the driveway, does not exceed the 8.5m height limit.

These modifications would not only better align the proposal with the existing neighbourhood character but also address the privacy concerns of adjacent properties and improve the overall aesthetic impact of the development.

Stormwater Management

We fully support the observations made by the Council's Engineering Officer concerning the proposed development. It is crucial to note that any deviation from the guidelines outlined in the 'Proposed Residential Subdivision at 1 Fern Creek Road, Warriewood Stormwater Management Report Construction Certificate Submission' could adversely impact properties along Cherry Lane due to the site's topography.

Given these potential risks, we believe it is essential that the development proposal be updated to fully comply with the recommendations specified in the Stormwater Management Report. This compliance is critical to prevent any future adverse impacts from the development on the properties located on Cherry Lane. The slope of the site further emphasises this concern, as improper management of the stormwater system could result in significant hazards for properties to the north.

We urge the Council to thoroughly consider these aspects to ensure that the stormwater system is managed safely and effectively. Of particular note is the fact that, when properly accounted for, the building will require 38,000L of additional on-site detention storage. Currently, only 5,000L is provided, and its location raises serious concerns about its impact on the rock shelf, vegetation, and habitat in this ecologically sensitive area.

To address these issues, we recommend that the Council mandate full compliance with the Stormwater Management Report and require the relocation of the additional detention storage outside away from the significant bushland the the western end of the site. These measures are crucial to protect both the local environment and neighbouring properties from potential water-related hazards.

Construction Impact & Traffic

The scale of the overall excavation for this project is a significant cause for concern. When accounting for both the additional stormwater requirements and the deep hillside excavation needed to accommodate the new dwelling, we estimate that the excavation is likely to result in around 900m³ of exported spoil. This volume would necessitate approximately 90 loads in a standard dump truck, creating a substantial increase in heavy vehicle traffic in the area.

Alarmingly, this heavy vehicle traffic has not been adequately described in the current proposal. The impact of such traffic on the narrow, partly unpaved, one-way driveway that provides access to the site could be severe. Moreover, given the presence of sandstone at shallow depths, it's likely that heavy rock breaking equipment will be required for excavation, further exacerbating the construction impact.

The combined effect of these factors - the extensive excavation, heavy vehicle traffic, and use of rock breaking equipment - would result in severe impacts on adjacent residents, local wildlife, and infrastructure. We believe these impacts far exceed what is reasonable for a site of this nature, especially considering its location within the Biodiversity zone.

In light of these concerns, we strongly urge the Council to reconsider the scale of the dwelling and the depth of excavation that is appropriate for this site. As the works are occurring within the Biodiversity zone, we request that the Council carefully evaluate the development according to the relevant criteria. As per the relevant Local Environmental Plan this evaluation must consider:

(a) The likelihood of adverse impacts on:

- (i) The condition, ecological value, and significance of the fauna and flora on the land
- (ii) The importance of the vegetation to the habitat and survival of native fauna
- (iii) The biodiversity structure, function, and composition of the land
- (iv) The habitat elements providing connectivity on the land

(b) Any proposed measures to avoid, minimise, or mitigate the impacts of the development

We believe that a thorough assessment of these factors will reveal that the current proposal is not suitable for this environmentally sensitive location and that a significant reduction in scale is necessary to protect the local ecosystem and community.

Acoustic

As per our previous submission we note that the current scheme has not specified a location for the air-conditioning unit. According to C1.25 of the Pittwater 21 Development Control Plan, it is mandatory for air conditioning units to be shown on development assessment plans at the time of Development Application lodgement. We recommend that the plans be updated to include the location of the air-conditioning unit to ensure this compliance.

Furthermore, we suggest that a condition of consent be implemented to guarantee appropriate acoustic amenity for the neighbouring residents. This condition should aim to preserve the acoustic environment in perpetuity, mitigating any potential noise disturbances caused by the operation of the air-conditioning unit.

We appreciate Northern Beaches Council's consideration of the matters above and should you wish to discuss the matters addressed in this letter, please do not hesitate to contact us on the details provided below. We would welcome a site inspection to review the impacts on No. 21 Cherry Lane.

Yours Sincerely,

Nick & Amelia Chandler

25 Cherry Lane, Warriewood.

Mob: