

Statement of Environmental Effects

New Dwelling and Secondary Dwelling

38 Undercliff Road

Freshwater NSW

EVOLUTION PLANNING



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38 Undercliff Road
Freshwater NSW

Prepared for:

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1 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) for the demolition of the existing dwelling and the construction of a new two storey dwelling and detached secondary dwelling at 38 Undercliff Road, Freshwater.



Figure 1: Photomontage street view of the proposed development.

The proposed development does not constitute *designated development* or *integrated development*.

This DA is made in accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 (the Act) and is assessed within this SEE pursuant to Section 4.15 of the Act.

This DA has been prepared with the assistance of a number of specialists who have informed design development and this assessment. The project team includes:

| | |
|----------------------------|--|
| Arkhaus | Project management; Architecture; Shadow Diagrams. |
| Evolution Planning | Town Planning. |
| MS Surveyors | Land Survey |
| COS Design | Landscaping |
| ING Consulting Engineers | Stormwater Management |
| Sydney Geotech Consultancy | Geotechnical Engineering |

Reports and other related material prepared by these specialists accompany the DA and are referred to throughout this SEE.

2 Site

The site, 38 Undercliff Road, Freshwater, has a legal description of lot 22 in DP5118SP22558 and has an area of 576.7sq.m. It is rectangularly shaped with a frontage to Undercliff Road of ~15.8m and a secondary rear presentation to Moore Lane. The depth of the site varies between ~36.9m and 38.7m.

Of significance to the design evolution process and to understand the context of the site, is the significant slope across the site where there is a change in level of ~6m (more than two storeys) between the north-west corner and the south east corner with the topography falling away from Undercliff Road.

The existing development comprises a single storey dwelling serviced by a driveway off of Undercliff Road. A sewer main and Council drainage line exists below Moore Lane to the rear.

The site is located on the north side of Undercliff Road where the built form and land use character is best described as eclectic with a mix of 1,2 and 3 storey single dwellings, a dual occupancy development immediately to the west and higher density residential flat building development in proximity to the site further to the west. Refer to the accompanying Survey Plan, Location Plans and photographs below.

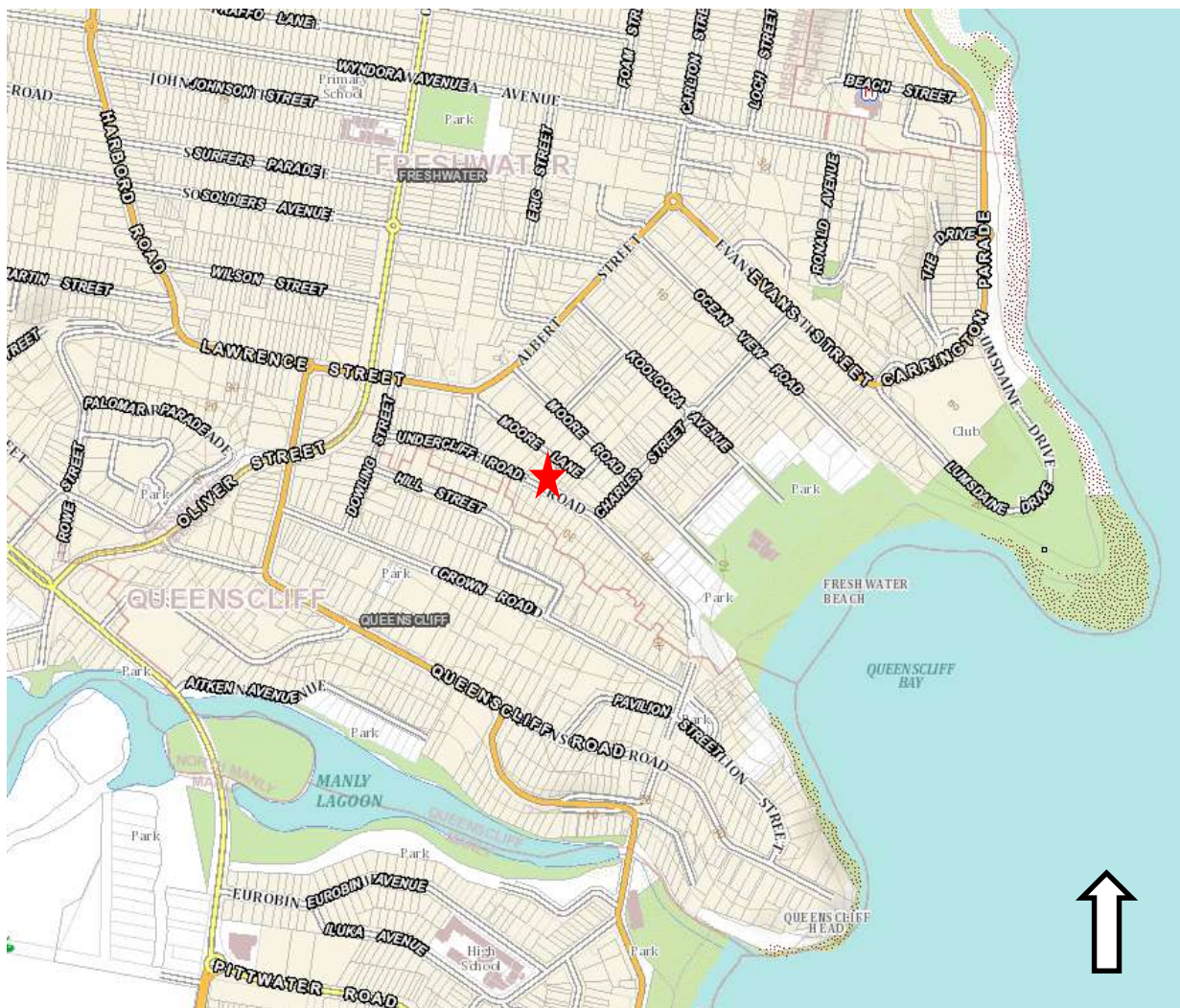


Figure 2: Site Location Plan (Indicative)



Figure 3: Aerial Plan



Figure 4: Street view of existing development



Figure 5: Rear view of site from Moore Lane.



Figure 6: Dwelling to the south east of the site as viewed from Moore Lane



Figure 7: Parking and open space structure associated with the dual occupancy development to the immediate north west of the site as viewed from Moore Lane.

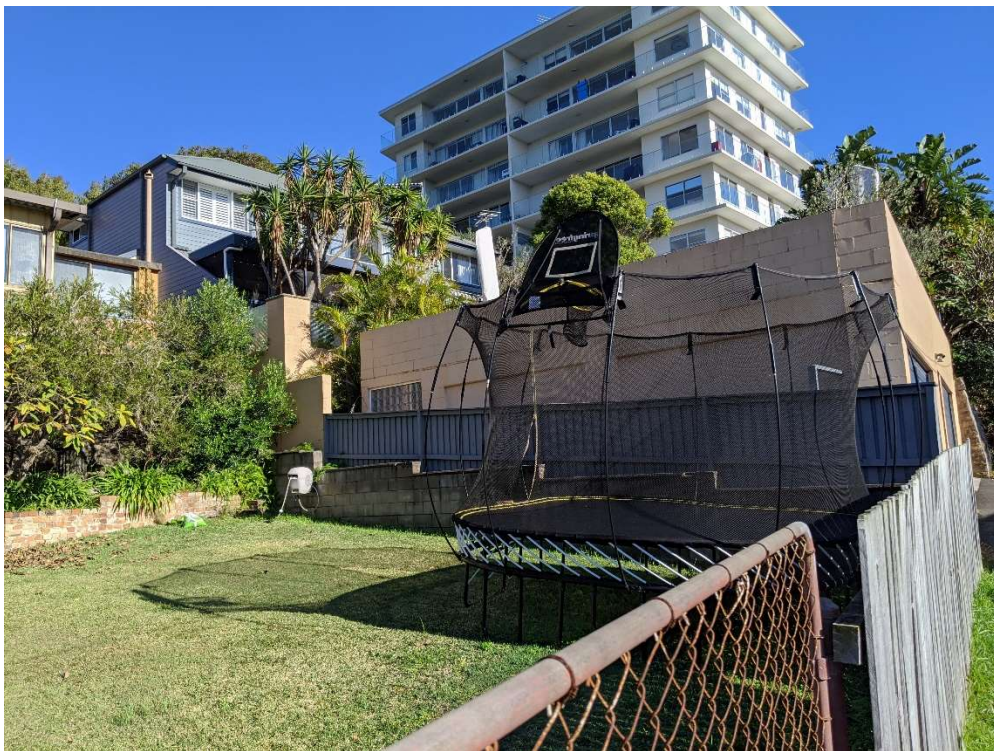


Figure 8: Parking structure to west of site with open space on roof showing the relationship between the building and the existing ground level of the subject site.



Figure 9: Dwellings opposite Undercliff Road to the south with parking structures and open space above.



Figure 10: Eastern view along Moore Lane from rear of site showing parking facilities directly opposite site.

SITE

The site is not bushfire prone, not prone to flooding; nor is it located in a heritage conservation area or listed as an item of heritage significance. The site is not identified as being prone to acid sulphate soils and is located in an area identified as “Flanking Slopes” in terms of potential landslip which is addressed below.

3 Proposal

The sloping topography towards the rear of the site resulting in a change of level of ~6m between the front and rear boundaries has been of critical consideration to the evolution of the design and ultimately has been a constraint as well as an opportunity in terms of providing parking off the rear lane (as required by the planning controls) and providing an amenable and practical area of private open space for the residents which integrates with the dwelling and the structure towards the rear.

Another key contextual consideration is the orientation of the site in a largely north/east -south/west plane with the northern/north-east aspect available over Moore Lane. This has resulted in the living areas being orientated towards the rear.

The contemporary designed building, largely following the footprint of the existing dwelling, presents as a two storey, horizontally modulated form to the street with the ground floor sitting below the street level due to the falling topography. The two levels contrast visually by the use of different coloured vertical louvres/battens which assist with privacy but still allow for passive surveillance from the dwelling.

Landscaping is a critical component of the design which, by the use of complimentary furniture (including the street number and mail box feature); vertically articulated planter bed edges to follow the rhythm of the street façade; and, concrete paving to match the framing element of the first floor, results in a cohesive approach to the redevelopment of the land as viewed from Undercliff Road. Refer to extracts of the street perspectives below.



Figure 11: Extract proposed street perspective

A key design objective is a desire to create a feeling of openness and depth upon entry to the building. This has been achieved by creating a framed view perspective from the front entry door through the building to the open space at the rear at a similar level of the roof of the rear parking structure.

The rear façade of the building takes on a different architectural expression than the front by the extensive use of glazing to maximise solar access and localised outlooks, but is consistent in terms the

modular expression of both floors and the use of the concrete framing element at ground level and the dark toned first floor with a flat roof.

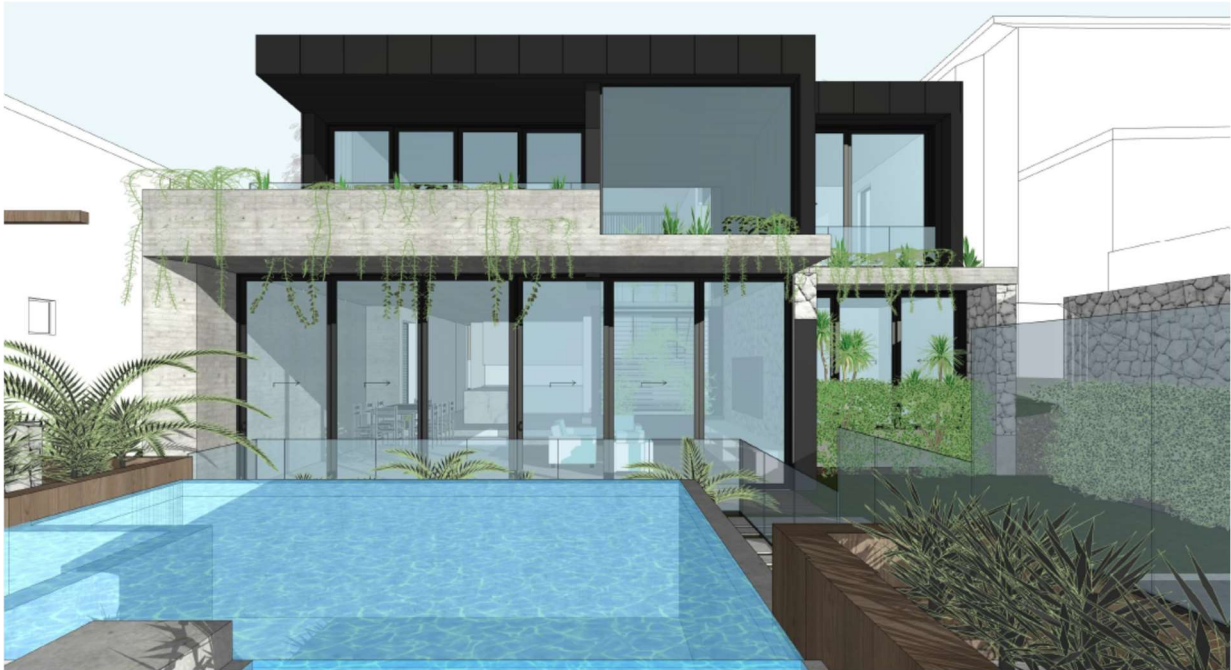


Figure 12: Extract perspective rear of dwelling.



A significant challenge faced by the building designers was how to create a practical and amenable area of open space, and a swimming pool, due to the sloping nature of the site from front to rear and north/west to south/east and how such space can be integrated with car parking at the rear.

This has been achieved by creating an open space terrace on top of the parking structure, which is characteristic to the locality, which is accessed at the same level as the ground level living areas, leaving an area for the pool at one side of the central core and an area of deep soil landscaping at the other.

A double garage is proposed at the rear with an open space terrace above. To provide consistency in the streetscape at the rear the rear structure has been designed from side to side boundaries, except for a setback at the east side to allow access to the main dwelling and a portion of the west side to allow access to the secondary dwelling. As a logical extension to the design an opportunity is gained to provide for a secondary dwelling within the rear structure, accessed from the rear.

Development consent is sought for the following:

Land Use

- Use of the land for purpose of a dwelling and a secondary dwelling.

Preparatory Works

- Demolition works;
- Earthworks (cut and fill) to accommodate floor levels and practical areas of open space.

Construction

- Two storey dwelling comprising:
 - Ground level – A central spine leading from the main entry to the stair case to the first floor with views through to an “internal” landscaping pocket to a covered external living space with rainwater tank below; living dining and kitchen areas to the east of the central spine; and, an informal family room facing the street; guest bedroom; laundry and WC at the west side on the building;
 - First floor level – Master bedroom with ensuite WC, 2 x bedrooms, WC; and, secondary living area/rumpus room facing the street;
 - Roof: Solar collector panels;
- Double garage and secondary dwelling at the rear of site with access off Moore Lane with open terrace area on the roof;
- Reconstruction of the existing driveway off Undercliff Road to create a semi-permeable parking space for visitors;
- Swimming pool.

Refer to the extracts from the proposed drawings below.

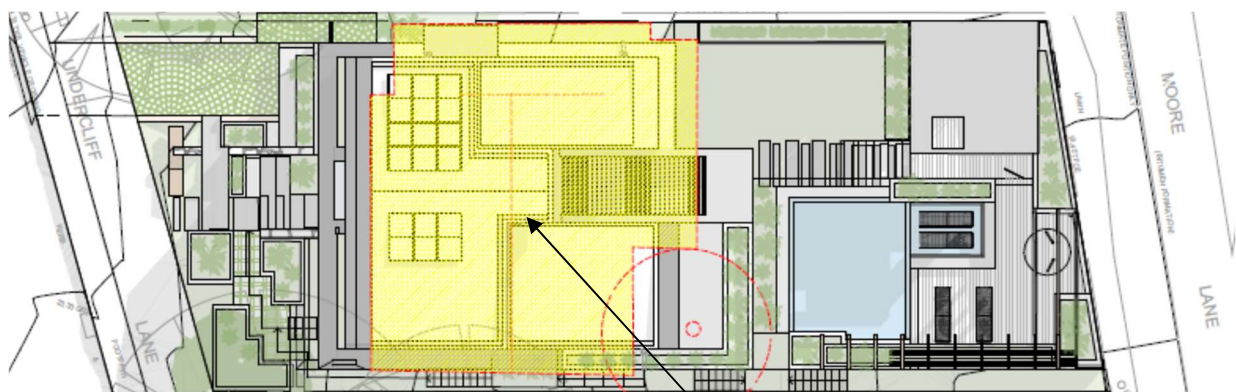


Figure 13: Extract proposed site plan

Existing dwelling footprint

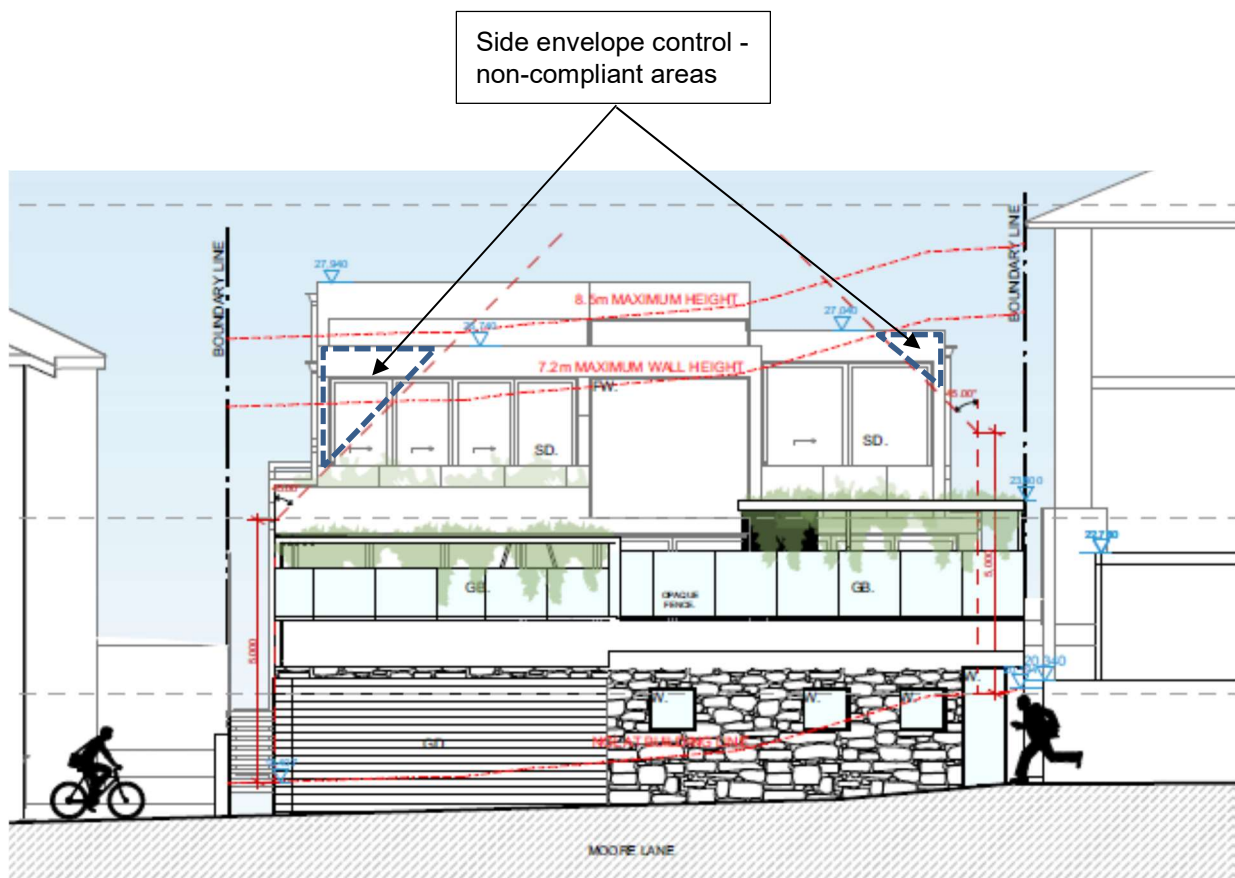


Figure 14: Extract rear elevation

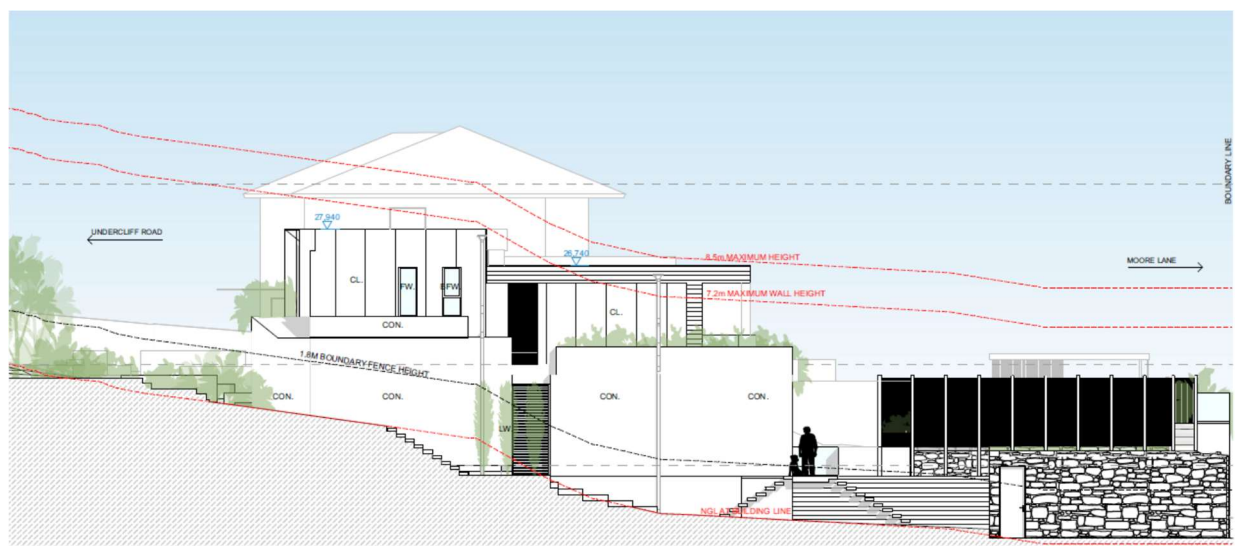


Figure 15: Extract south elevation showing relationship of design with neighbouring building to the north east



Figure 16: Extract north elevation showing relationship of design with neighbouring building to south west

Stormwater

Stormwater will be collected and discharged by gravity to the existing Council stormwater system on Moore Lane. An On-Site Detention tank is proposed between the pool and the dwelling at the mid-eastern part of the site. Refer to the accompanying stormwater plans prepared by ING Consulting Engineers.

Landscaping

Landscaping is a critical component of the overall redevelopment of the site which compliments and brings together the different building elements and open space elements of the design.

The landscaping design, prepared by COS Design, includes five elements which are integrated with the building elements and with each other as follows:

- Front setback zone: Passive landscaped area including lawns, paving to compliment the framing of the ground; defined pockets of landscaping including appropriately scaled palms in light of the sloping nature of the site, shrubs and groundcovers;
- External living space – Terrace area attached to the rear of the ground floor between the two side wings compliments by planter boxes and an operable roof;
- Swimming pool - Located at the eastern mid portion of the site which is protected from overlooking from the balconies on the dwelling to the east by screen fencing along the side boundary;
- Deep soil space – A deep soil turfed landscaped area at the western side of the central access pathway;
- Garage roof terrace – A terrace open space area on the garage/secondary dwelling roof including a covered alfresco dining zone, an open terrace adjacent to the pool and complimentary planter boxes with plants which will spill over the edge of the building towards Moore Lane.

Refer to the following accompanying drawings providing details of the scope of works for which consent is sought:

- Architectural drawings – Arkhaus;

- Landscaping Plan – COS Design;
- Stormwater Concept Plan – ING Consulting Engineers.

Development Statistics

| | |
|--------------------|---|
| Site Area | 576.7.5sq.m |
| No. of storeys | 2 |
| Height | 8.2m |
| Landscaped Area | 47% |
| Deep soil Area | 47% |
| Parking | 2 cars in garage, 1 visitor space on hardstand area at the front. |
| Private Open Space | 77sq.m |

4 Statutory Assessment

4.1 Environmental Planning and Assessment Act 1979

This application is made pursuant to s.4.12 of the NSW Environmental Planning and Assessment Act 1979, (the Act), and is assessed under s.4.15. The proposed development does not constitute designated or integrated development.

4.2 Relevant Environmental Planning Instruments and Planning Policies

The following Environmental Planning Instruments and Planning Policies have been considered as part of this assessment:

- Warringah Local Environmental Plan 2011;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No. 55: Remediation of Land;
- Warringah Development Control Plan 2011.

4.2.1 Warringah Local Environmental Plan 2011

4.2.1.1 Permissibility and Zone Objectives

The principal environmental planning instrument affecting the land is Warringah LEP 2011, under which the land is zoned R2 Low Density Residential.

The proposed development is best described as a “*dwelling house*” and a “*secondary dwelling*”, both which are permitted with consent in the R2 zone.

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 is consistent with the related zone objectives for the following reasons:

- The proposed development meets the housing needs of the community in a low-density setting being consistent in intensity with other like developments in the locality;
- The proposed development is considered to result in a superior landscaping outcome and is a key component of the design to integrate the building elements and open space areas.

4.2.1.2 Height

A development standard related to building height of 8.5m applies to the land.

The proposed dwelling has a height of 8.2m and therefore complies with the standard.

4.2.1.3 Clause 5.4 Controls relating to miscellaneous permissible uses

Clause 5.4 contains provisions specifically related to secondary dwellings as follows:

Secondary dwellings *If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—*

- (a) 60 square metres,
- (b) 11% of the total floor area of the principal dwelling.

The proposed secondary dwelling has an area of 40.8sq.m and complies with the maximum floor area standard.

4.2.1.4 Acid Sulphate Soils

The site is not identified as being prone to acid sulphate soils.

4.2.1.5 Heritage

The site is not heritage listed nor is located within a heritage conservation area or in the proximity of other heritage listed items.

4.2.1.6 Earthworks

In light of the topographical conditions of the site, the proposed development involves soil disturbance associated with cut and fill activity to create level floor pads and practical areas of open space.

No significant adverse impacts are anticipated on neighbouring properties or the wider environmental as a result of earthworks activities for the following reasons:

- The overall drainage patterns of the land will not change. The fall of the land will remain from the front to the rear and stormwater will continue to drain by gravity in that direction;
- No groundwater was discovered on the site during geotechnical investigations;
- The proposed earthworks are considered to be a positive result in terms of the future use and redevelopment of the site by creating practical, accessible areas of open space and parking accessed at the rear as required by the Development Control Plan;
- The quality of fill may be certified prior to the commencement of works and an appropriate condition may be imposed;
- Any potential impacts on neighbouring properties may be minimised by standard mitigation techniques which will be specified in a Construction Management Plan which will be prepared once a builder is engaged. Convenient construction access is available directly from the rear lane in this case;
- Any excavated material will be classified and disposed of or recycled appropriately;
- The potential for the site to contain relics is unlikely. However, appropriate conditions may be imposed with respect to monitoring for relics during earthworks;
- The proposed works are not considered to impact on any natural watercourses or sources of drinking water. The DA is accompanied by a sediment control plan.

4.2.1.7 Development on sloping land

The site is identified as Area B being “Flanking Slopes” with land with a slope between 5° to 25°.

The DA is accompanied by a Geotechnical Investigation prepared by Sydney Geotech Consulting, which concludes that the site has a:

“very low susceptibility to landslides relating to the construction of the proposed development.

An acceptable risk for loss of life for the person(s) - risk level suitable for new SGC20-66 - Geotechnical Investigation and Landslide Risk Assessment - 38 Undercliff Road Freshwater NSW 2096 29 developments.

Risk to property is considered to be medium (Appendix G).

No immediate mitigation measures are required for this site however it is advised that the slopes are monitored for erosion and rock displacement and rock fall (irrespective of the whether the proposed is constructed).”

The proposed development is considered to satisfy the related provisions of Warringah LEP 2011.

4.2.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The DA is accompanied by a BASIX certificate in accordance with the Regulation.

4.2.3 State Environmental Planning Policy No. 55: Remediation of Land;

The subject site has historically been used for residential purposes and has not been known to have hosted any potentially contaminating activities nor has it been declared a significantly contaminated site.

No change of use is proposed and it is therefore considered that consent may be granted in accordance with Clause 7 of the SEPP.

4.2.4 Warringah Development Control Plan 2011

Division 3.6 of the Environmental Planning and Assessment Act 1979 recognises the flexibility with which DCPs should be applied and legislates that:

- the provisions of DCPs are non-statutory;
- that the provision of the DCP should facilitate the achievement of the zone objectives; and,
- that where numeric compliance is not met then alternative design solutions should be considered on the basis of consideration against the objectives of the particular guideline and the DCP be applied with flexibility.

Section 3.42 of the Act contains provisions related to purpose and status of DCPs as follows:

- (1) ***The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:***

- (a) ***giving effect to the aims of any environmental planning instrument that applies to the development,***
- (b) ***facilitating development that is permissible under any such instrument,***
- (c) ***achieving the objectives of land zones under any such instrument.***

The provisions of a development control plan made for that purpose are not statutory requirements.

[emphasis added]

Section 4.15 of the Act “*Evaluation*” at subclause (3A)(b) states:

- (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*

We therefore request that where the proposed development does strictly satisfy the numeric provisions of the DCP that it be applied, as legislated under the Act, with flexibility, subject to the satisfaction of the related objectives.

The related guidelines under Warringah DCP 2011 are addressed below:

| DCP | Proposal | Compliance |
|---------------------|--|--------------|
| Wall Height 7.2m | The proposal complies with the wall height control except for a small part of the rear eastern upper corner of the dwelling, as shown below. | Satisfactory |

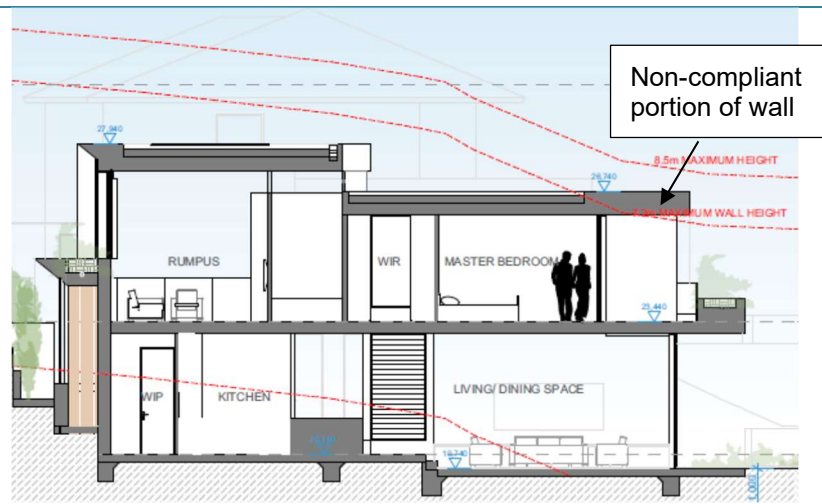


Figure 17: Compliance with wall height control

The breach to the wall height control is, at worst, 300mm and comprises a small part of the parapet roof.

There is a change in level across the site within the footprint of the proposed building of ~18% and therefore the variation mechanism under the DCP, which is available where the change in level exceeds 20%, does not strictly apply. Instead, the minor breach to this control is addressed below in accordance with Section 4.15(3A)(b) of the Act where in the case of any non-compliances alternative designs may be considered in light of the objectives of the related control.

The objectives of this control are addressed as follows:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

Comment: The visual impact of the non-compliant portion of the building, and indeed the development as a whole, has been minimised by cutting the building into the sloping land and by having a flat roof form.

- *To ensure development is generally beneath the existing tree canopy level.*

Comment: There is no noteworthy tree canopy in the locality

- *To provide a reasonable sharing of views to and from public and private properties.*

Comment: The non-compliance does not unreasonably impact on views.

- *To minimise the impact of development on adjoining or nearby properties.*

Comment: The proposed development, including the breach to the wall height control, does not unreasonably impact on neighbouring properties.

The building to the south-east will be overshadowed by the proposed development from Noon onwards at mid-winter. The proposed non-compliant area will not overshadow any open space areas or principal windows, given the relative lack of windows on the front west side of the neighbouring building and since the large balconies of that dwelling are generally orientated to the north. Refer to the photograph below of the dwelling to the east and the accompanying shadow diagrams.



Figure 18: Dwelling to immediate south east.

- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*

Comment: Without excavation it would not be possible to create practical and amenable living spaces within the building. The proposed partial excavation of this steeply sloping site has the effect of minimising the bulk and scale of the building.

- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

Comment: The flat roof design is commensurate with the contemporary building design and assists in minimising the bulk of the building and minimising other potential impacts such as overshadowing.

| | | |
|---------------------------|---|--------------|
| Landscaping 40% | 46.8% | ✓ |
| Side envelope (5m/45°) | <p>The rear portion of the proposed second level breaches the side envelope control where the change in site topography is most pronounced.</p> <p>Refer to Figure 14 above where the side envelope control is plotted at the rear elevation.</p> <p>The breach to this control is addressed below in accordance with Section 4.15(3A)(b) of the Act where in the case of any non-compliances alternative designs may be considered in light of the objectives of the related control.</p> <p>The objectives of this control are addressed as follows:</p> <ul style="list-style-type: none"> <i>To ensure that development does not become visually dominant by virtue of its height and bulk.</i> <p>Comment: When viewed from the street, the proposed development is less visually dominant than neighbouring buildings. The proposed development has similar front and rear setbacks as the building to the north west and will therefore has limited implications in terms of bulk and scale.</p> <p>The building to the south east has an uncharacteristic siting by being largely located at the rear portion of the site and therefore the proposed building sits “behind” the building to the south east in terms of its orientation and siting on its lot, and therefore has limited impact in terms of bulk and scale. Refer to further discussion below with respect to potential visual impacts.</p> <ul style="list-style-type: none"> <i>To ensure adequate light, solar access and privacy by providing spatial separation between buildings.</i> <p>Comment: Neighbouring buildings will not be unreasonably impacted upon as a result of the non-compliance in terms of privacy and solar access.</p> <ul style="list-style-type: none"> <i>To ensure that development responds to the topography of the site</i> <p>Comment: The development does respond to the topography of the site, but to do so some cut and fill is required. It would not be possible to achieve a design with practical and amenable living spaces that open out onto conveniently located outdoor spaces without such changes to the natural topography which slopes significantly to the rear and across the site from the north-west to the south- east by approximately 1 storey at the rear.</p> | Satisfactory |

| | | |
|----------------------|--|--------------|
| Front setback – 6.5m | <p>The building is largely setback in excess of 6.5m but given the angled frontage a very small part of the building at the south east corner encroaches into the front setback zone.</p> <p>In accordance with Section 4.15(3A)(b) of the Act where in the case of any non-compliances alternative designs may be considered in light of the objectives of the related control, the minor breach to this control, which is limited to a blade wall at the ground level of the building only at the SE corner, is considered to be satisfactory since the non-compliance does not hinder the achievement of the objectives of the related control as follows:</p> <ul style="list-style-type: none"> • The sense of openness across the front setback area is not unsatisfactorily interrupted as a result of the non-compliance; • The visual continuity and pattern of buildings is maintained (Noting the building to the north-west has a similar non-compliance and the building to the south-east is uncharacteristically setback to the rear/centre of the site; • The visual quality of the streetscape will be enhanced as a result of the proposed development; • The proposed non-compliance will not introduce any loss of views. | Satisfactory |
| Rear setback – 6m | <p>The dwelling complies with the rear setback guideline. The garage and secondary dwelling structure has a nil rear setback to Moore Lane. The location of the garage is in accordance Part C3 of the DCP and has a setback which is consistent with the neighbouring garage.</p> <p>Any setback of the garage from the rear boundary would be an inferior outcome for the following reasons:</p> <ul style="list-style-type: none"> • Any setback space would be of no practical or aesthetic value; • the useful, amenable landscaped open space at the heart of the site would be reduced; and, • any such setback space would effectively become a “dead space” with no surveillance from the dwelling and would essentially become a wasted space. <p>In accordance with Section 4.15(3A)(b) of the Act where in the case of any non-compliances alternative designs may be considered in light of the objectives of the related control, the technical breach to this control, which is limited to the garage and studio, is considered to be satisfactory, since the non-compliance does not hinder the achievement of the objectives of the related control as follows:</p> <ul style="list-style-type: none"> • Ample deep soil planting areas are provided elsewhere on the site; | Satisfactory |

| | | |
|---------------------|---|---|
| | <ul style="list-style-type: none"> • The sense of openness of rear yards is contrary to other DCP outcomes to have parking off the rear lane. The proposed garage at the rear is consistent with other development with access off Moore Lane; • No privacy impacts are introduced as a result of the non-compliance with the rear setback control. | |
| Side setback – 0.9m | <p>The dwelling is setback from the side boundaries by 0.9m at ground level and 1.5m and 1.7m at first floor levels.</p> <p>The garage/secondary dwelling structure is setback from the south-east side boundary by 0.9m and is partly built to the north western side boundary which is not inconsistent with the siting of other parking structures on the Lane. The north-western wall of the structure contains no openings.</p> <p>In accordance with Section 4.15(3A)(b) of the Act where in the case of any non-compliances alternative designs may be considered in light of the objectives of the related control, the minor breach to this control, which is limited to the western wall of the rear garage/studio building is considered to be satisfactory, since the non-compliance does not hinder the achievement of the objectives of the related control as follows:</p> <ul style="list-style-type: none"> • Ample deep soil planting areas are provided elsewhere on the site; • The building is visually subservient to the similar structure to the immediate north-west; • The bulk and scale of the structure is minimised by the inclusion of landscaping on the roof to soften the appearance of the building; • There are no openings on the non-compliant portion of the building and it does not introduce any adverse impacts related to privacy, view loss or over shadowing. | ✓ |

Subject to the variation mechanism to DCPs available at Section 4.15(3A)(b) of the Act, the proposed development is considered to satisfy the provision of Warringah DCP 2011.

4.3 Likely Impacts

The proposed development is not considered to introduce any significant adverse biophysical, social or economic impacts on neighbouring properties or the environment.

As discussed above in response to the related DCP controls, no significant adverse privacy, view or shadowing impacts are anticipated on neighbouring properties.

4.3.1 Visual Impact

As a result of the sloping topography of the site, particularly across the site from the north-western side boundary and the south eastern side boundary, in order to achieve practical internal spaces and convenient access to open space, the south eastern edge of the development is defined by external walls with a height of up to 5m.

The eastern external wall structures are not considered to introduce any significant or unreasonable adverse visual impacts on the neighbouring property or the streetscapes given the efforts taken to modulate and articulate these structures by the varied use of materials; overhanging landscaping; and, setting the walls back from the boundary. Refer to the extract of the perspective taken from Moore Lane showing the eastern side external walls and contextual photographs below.



Figure 19: Extract perspective from Moore Lane

This “hard edge” treatment in the circumstances of sloping land in this locality is not uncommon which is evident in the form of the structure to the immediate north-west of the subject site and the development at 50 Undercliff Road.



Figure 20: Parking structure with terrace on roof to the immediate north-west of site.



Figure 21: Approved eastern elevation 50 Undercliff Road.

Of further significance to the potential visual impact of the external wall structures of the south eastern elevation is the design of the western elevation of the building to the immediate east (46 Undercliff Road) where it has an interface with the proposed development.

In terms of the spatial relationship between the two buildings, the building to the east sits further north than the existing and proposed dwelling footprint. The area where the two buildings face each other across the side boundary is limited to the “rear” ¼ of the neighbouring building.

As shown on the photographs below, the part of the neighbouring building which will have an interface with the proposal does not contain any sensitive elements (such as balconies or windows to living spaces).



Figure 22: West elevation of 46 Undercliff Road

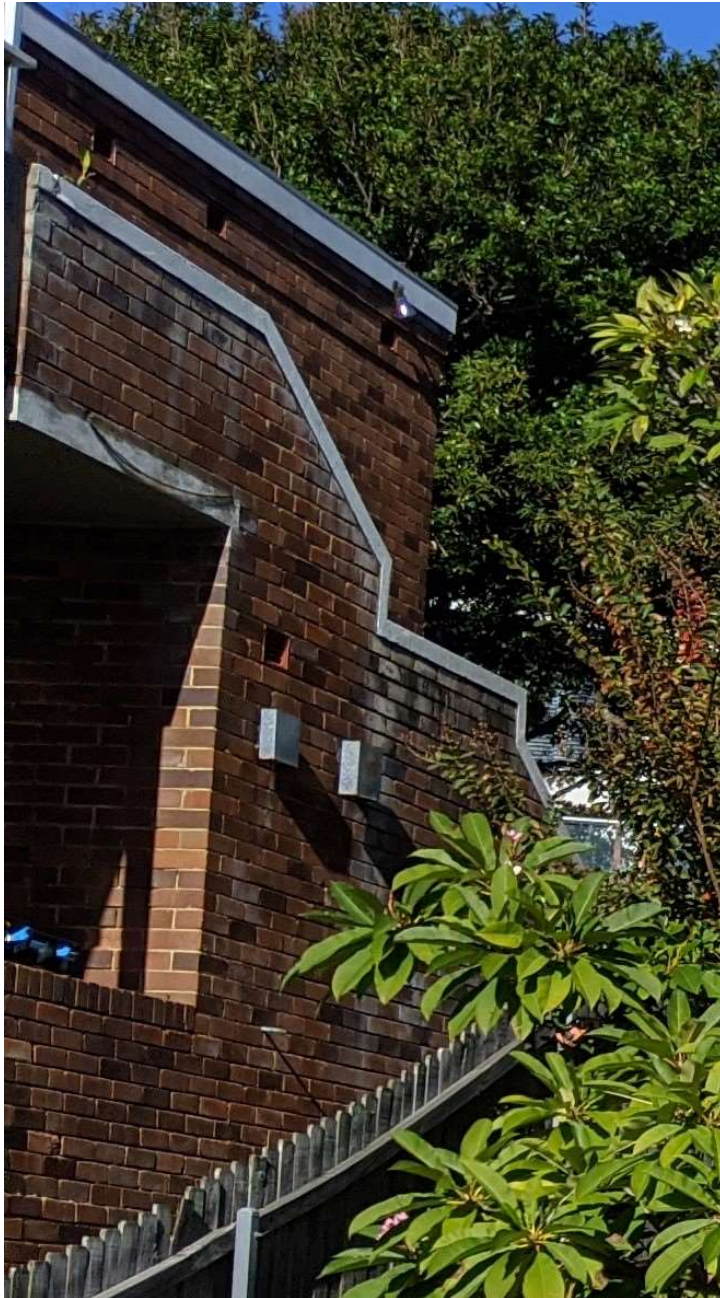


Figure 23: West elevation of 46 Undercliff Road with interface to proposed dwelling.

Due to the consideration taken in the design of the external side walls and the lack of sensitive spaces or outlooks adjacent to the structures within the neighbouring building to the east, the proposed development is not considered to introduce any significant adverse visual or massing related impacts.

4.4 Suitability of the site

There are no natural or man-made site affectations that would hinder the proposed development. The site is considered to be suited for its intended purpose.

4.5 Submissions

The proposed development will be notified in accordance with Warringah DCP 2011. Any submissions received are required to be considered under Section 4.15 of the Environmental Planning and Assessment Act 1979. Evolution Planning will be happy to provide any further responses to any potential submissions, where necessary.

4.6 Public Interest

The proposed development does not raise any significant matters of public interest. It does create an opportunity for affordable housing by the provision of a secondary dwelling which is within the public interest.

5 Conclusion

The proposed development has been assessed against Section 4.15 of the Environmental Planning and Assessment Act 1979 as satisfactory.

The proposed development complies with all relevant State Environmental Planning Policies and fully satisfies LEP 2000.

The proposal is considered to be entirely consistent with the related provisions of DCP 2011, albeit that it does not strictly meet a number of numeric guidelines, which as discussed in the body of this report are considered to be fully justified in light of the satisfaction of the related objectives of these guidelines in accordance with with Section 4.15(3A)(b) of the Act.

The proposed development is not considered to introduce any significant adverse biophysical, social or economic impacts on neighbouring properties or the environment.

As discussed above in response to the related DCP controls and the “Likely Impacts of the Proposed Development”, no significant adverse visual, privacy, view or shadowing impacts are anticipated on neighbouring properties.

It is therefore recommended that consent be granted subject to appropriate consent conditions.

