

Statement of Effects / Change
to support a S4.55 Application to modify DA 2021 / 1533

13 Morgan Road, Belrose

1.0 Introduction

prestonpeterson has been engaged by its client David & Jenny Austin to prepare & submit a S4.55 application to Council to vary the works which were proposed and approved in DA 2021/1533. This Statement will be intentionally brief as it will only focus on the matters that we propose to change since the approval of the DA. It will not reiterate matters where no change is proposed as these have been accepted and settled via the Consent. This SEE is arranged using the same numberings system as the DA SEE for ease of cross reference.

We have consulted with the project's planner Mr Greg Boston on Boston Blyth Fleming and the advice is that given the nature of the proposed changes to the DA, this application should be submitted as a 4.55(2) application.

2.0 Site Description & Location

There is no change to the site description and location from that provided as part of the DA.

3.0 S4.55 Development Proposed Changes

The following changes to the DA approved works are proposed in this S4.55 application:

1. Addition of a basement level under the main house (the central pavilion) to include a Home Theatre, Gym, Wine Cellar, storage and service area. The reason for this work is discussed in detail below.
2. Minor changes to the proposed landscape works to accommodate the proposed basement level. See reasons below.
3. Minor changes to the Ground Floor of the main house to allow for the access stair from the Ground Floor to the Basement. This primarily effects the Powder Room. However, minor internal changes are also proposed for the Guest Bedroom in the north-west corner of the main house . There will be no external changes as a result of this work.
4. Addition of a small basement 'Pool Plant Room' immediately adjacent and below the approved pool deck.
5. Change of external wall system for habitable parts of project. We note that the proposed external finish of this new wall system will look identical to the previously approved painted rendered brickwork. The proposed new wall system has been assessed for energy compliance and a revised BASIX certificate is included in this S4.55 submission.

It is the applicants opinion that the revised design presented as part of this S4.55 submission aligns closely with the original design and has very little or nil negative effects on the nature of the property at 13 Morgan Road Belrose, on the neighbours of the subject property, or indeed the broader community.

We will now outline the above summarised changes in more detail.

Basement Level addition

The possibility of a Basement level was discussed during the early design phase for the subject site prior to the submission of the DA. However, the quantum of excavation and associated cost and disturbance was considered excessive. Hence, the idea of a basement for the main building was shelved. However, during demolition of the existing house (under the authority of a CDC issued by Council in late 2021) a significant previous excavation was uncovered. Subsequent discussions between the current owner, and the previous owner, revealed that the previous owner had explored placing a 13 car garage under their proposed house. That owner changed their mind, and then backfilled the excavations.

The discovery of a substantially excavated space led the current owners to reconsider the idea of having a basement in their new dwelling. PrestonPeterson visited the site in early January '22 and prepared sketch designs to explore this brief. The design that is shown in this S4.55 application is the result.

- We are at pains to stress that the external form of the building is substantially unchanged from the DA. The building:
- retains the same maximum roof height as the DA
 - is not seen from Morgan Road (it was not in the DA, and will not via this S4.55)
 - will have no change when viewed from the western neighbour (the only residential property nearby)
 - will be different when viewed from the east (where there are no neighbours)
 - provides a pleasant and unified facade to the east which is in keeping with the style of house proposed.

We have set the basement floor RL at 134.5 AHD which provides a ceiling height of around 2.8m which is befitting of such as space. We stress that the height of the proposed buildings, and the approved floor levels are to remain as approved in the DA. Apart from the eastern facade, all other views toward the building as proposed in this S4.55 will remain the same as a result of the addition of the basement.

3.0 S4.55 Development Proposed Changes continued

Excavations

As described above, the notion of including a basement under the main central building only came about once the existing excavations were discovered during the demolition works. It is fair to ask, is the additional excavation, on top of the recently discovered excavations, a reasonable action?

On the one hand, it does cause some noise during the works, and also truck movements as spoil is removed from the site. However, the additional excavations are not overly significant and the spoil can be managed so that any recyclable material is either retained on site for landscape works, or repurposed off site.

It is our view that the brief inconvenience during the excavation period is reasonable and the removed material is manageable via reuse on site, or repurposed off site (in the case of sandstone), or used as fill off site via commercial operators.

The project's Geotechnical Engineer has prepared a revised report that supports the proposed work.

The project's Civil Engineer has prepared a revised civil design that also supports the proposed work.

Landscape works

The proposed basement addition will have an effect on the landscape design. Accordingly, the landscape designer Paul Bangay has met with the design team on site and an agreed landscape scheme has been achieved.

The idea is that the proposed basement 'flows' to a level garden space to the east. The level of this garden is around 134.4 with the top of eastern retaining wall between the garden and the paddocks being approximately 1.5m above the paddock level, and around 100mm above the proposed garden level.

The DA approved a stepping of landscape retaining walls with each step being a 1m rise. To make the new scheme work, we have reduced the number of retaining walls by one, but increased the rise of those retaining walls to 1.5m. The S4.55 drawings provide an east elevation which shows both the proposed basement level, as well as the surrounding sandstone clad retaining walls. It is the design team's view, as well as the client's, that the proposed landscaping and retaining walls are every bit as pleasing, if not more pleasing, than that depicted in the DA.

We note again that there is no eastern residential neighbour to this property. As such, the only people who will ever see this facade are the owners and their friends.

This S4.55 application contains a revised set of landscape drawings that accords with the architectural works.

Ground floor changes

One change generally leads to many changes. And so it goes with this S4.55 albeit within a very restricted scope.

The proposed basement obviously needs access. In line with the simple geometric principles of this project, the design team has simply continued the 'grand stair' downward to the proposed basement. This creates a simple vertical stair shaft from basement floor to the ceiling of the first floor. The generosity of this stair, and the sumptuous curve around the landing to the north, combined with the roof light above providing natural light to filter into the very core of the building, will be a project highlight.

The collateral change is minor. We have had to reduce the size of the Powder Room and make it a WC and Vanity only. As the DA Powder Room was to also act as a quasi ensuite to the ground floor Guest Bedroom, we have altered the proposed design of the Guest Bedroom to have its own ensuite.

There will be no external changes as a result of this modification to the project design.

Swimming Pool Plant Room

The design team has been working to progress the design from DA level drawings to construction drawings. As you can imagine, this involves an army of consultants to inform all aspects of the work. One of these is the swimming pool contractor/designer. Simply put, there is a plethora of mechanical services that will service and automate the swimming pool and associated spa. The last thing that we, our client, and any neighbours would want is for this machinery to be on display and within audible range. In consultation with the pool designer, we have found a suitable (mostly) subterranean space to the north of the pool. This is conveniently positioned under the pool deck. External access is provided via louvered door (ventilation) to the north via the already approved access stair. Yes, this proposed louvered access door will be seen from the north. However, the proposed pool plant room is wholly hiding by the already approved structure contained in the DA. As there are no neighbours to the north and it is our view that the effect of this change is inconsequential.

External Wall system

The approved DA has an insulated double brick cavity wall as its main external wall system. However, we are wanting to change this to be a hybrid system which is (from outside to inside): painted acrylic render on 200mm concrete filled Dincel wall system, 50mm insulation bonded to to inside face of Dincel, 200mm cavity (into which the shutter and insect screens slide), then 150mm Hebel with internal plaster render. This system has been modeled in the revised BASIX certificate (included in this S4.55 submission) and deemed compliant.

There will be no external changes as a result of this wall system. The building will look exactly the same as per the approved DA.

4.0 Statutory Planning Framework

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979 (as amended). Those matters which are required to be addressed are outlined, and any steps to mitigate potential adverse environmental impacts are discussed below.

Text in Black in this part of this Statement is copied (with permission) from the original SEE prepared the project's planner Mr Greg Boston on Boston Blyth Fleming.

Text noted in *Red* is a comment on the relevance of Mr Boston's statement with regard to this S4.55 application.

Text in *Blue* denotes an area where the author considers a change has occurred to the text as a result of this S4.55 application.

4.2 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given that the site has historically been used for non-urban residential purposes with the proposed new dwelling generally located in the area of the site occupied by the existing dwelling house. Given the above factors no further investigation of land contamination is warranted at this time. The site is suitable in its present state for the continuation of the existing residential use of the land. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

There is NO CHANGE to the relevance of this clause as a result of the works proposed in this S4.55 application.

4.3 Warringah Local Environment Plan 2000

4.3.1 Locality and Desired Future Character

The subject site is located in the B2 Oxford Falls Locality pursuant to the provisions of Warringah Local Environmental Plan 2000 (WLEP). Housing is a Category 2 development in the B2 locality.

The Desired Future Character Statement (“DFC”) for the B2 locality states:

The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new detached style housing conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway. The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.

continued

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Drawing Notes

Revision Control

B 31/3/2022 S4.55 Application update

A 10/2/22 S4.55 Application

Client

Jenny and David Austin

Project

Taronnah

Project Address

13 Morgan Road Belrose 2085

Project Code

AUST01

Drawing

Statement of Effects / Changes

Scale

NTS

Rev Date

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Drawn by

JDP

Checked by

JLP

Drawing Number

Revision

S4.55 p1

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In accordance with clause 12(3)(b) the consent authority must be satisfied the development is consistent with the desired future character described in the relevant locality statement. Accordingly, the proposal's consistency with the desired future character statement is addressed below.

The development is considered to be consistent with and retain the existing character of the locality for the following reasons:

- The existing locality is characterised by low density non-urban residential uses with senior's housing in retirement villages located at the top of the escarpment adjacent to Forest Way. In this regard, the replacement of the existing dwelling house on the site does not alter the existing character of the locality.
There is NO CHANGE to the relevance of this clause as a result of the works proposed in this S4.55 application.

- The development complies with the relevant built form controls in terms of setbacks and landscaped area with a variation sought in relation to building height to facilitate the use of a characteristically pitched hip roof form over proposed central pavilion. Having regard to the size of the property and the proposed dwellings location relative to the street and surrounding development the building height variation will not give rise to any adverse streetscape or residential amenity impacts and to that extent will be consistent with the desired future character statement and general principles of development control.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- The proposed dwelling is located on the previously disturbed areas of the site and does not require the removal of any significant trees or vegetation.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- The landscape plan provides the plantings which will enhance the existing natural environment and ensures the dwelling will sit within a landscaped setting. A variety of landscaping treatments are proposed and identified on the plant schedule provided.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- The pavilion style buildings reduce the visual bulk of the development.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- New landscaping within the property is to use a minimum of 50% locally occurring native plants and species commensurate with the existing vegetation on site.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- The breaking of dwelling into 3 linked pavilions allows it to follow the sites natural contours. This provides for the least amount of impact in relation to excavation require and disturbance to the environment.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- The development will result in minimal disturbance to natural vegetation and landforms with the building designed to incorporate or be sympathetic to environmental features such as rock outcrops.

We do note that the proposed inclusion of a basement will require additional excavation from that proposed in the DA. However, we again note that a significant amount of the required excavation was already undertaken by a previous owner and then backfilled. As such, the additional excavation is minimal. When completed, the proposed works will sit comfortably into the landform and rockcrops. The landscape design prepared by Paul Bangay will help to soften and ground the proposed works. We further note that the area of excavation is only a small part of this large 5 acre site.

- The finishes and materials of the development, shown on the Schedule of External Finishes submitted with the application, will ensure that the proposed dwelling blends with the colours and materials of the natural environment and with existing development within the site's visual catchment.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- The construction of the development will be managed to minimise erosion and sedimentation and in accordance with the Soil and Water Management Plan prepared by NB Consulting.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- Accordingly, the development will be consistent with this requirement of the desired future character statement.
There is NO CHANGE to the relevance of this statement as a result of the works proposed in this S4.55 application.

- We have formed the opinion that the part 1 and 2 storey dwelling use proposed will not impact upon the locality or existing streetscape in terms of built form or landscape outcomes and is appropriately described as a low intensity and low impact use consistent with the existing and desired future character ("DFC") for the B2 Oxford Falls Locality.

We note that the proposed basement located under approximately half of the central pavilion does not effect the validity of the above statement. We stress that the proposed basement will not be seen from Morgan Road, or any neighbouring dwellings. We do believe that the proposed works remain of low impact and low intensity and are consistent with the existing and desired future character ("DFC") for the B2 Oxford Falls Locality.

4.3.2 Development Standards / General Principles of Development Control

4.3.2.1 Development Standards

Housing Density

The maximum housing density is 1 dwelling per 20 ha of site area, except:

a) where this standard would prevent the erection of one dwelling on an existing parcel of land, being all adjacent or adjoining land held in the same ownership on 8 March 1974 and having a combined area of not less than 2 ha

The development satisfies this clause and is on a parcel of land greater than 2 ha. Only 1 replacement dwelling is proposed on the site.

There is NO CHANGE to the relevance of this clause as a result of the works proposed in this S4.55 application.

Building Height – Clause 20 Variation

Pursuant to this development standard buildings are not to exceed 8.5 metres in height measured to the topmost point of the building or 7.2 metres in height to the underside of the ceiling on the upper most floor.

The proposed dwelling is part **1, 2 & 3 storeys** in height with a maximum building height at the ridge of the central pavilion of 11.05 metres representing a non-compliance of 2.55 metres or 30%. The balance of the development, including the northern and southern pavilions, sit comfortably below the 8.5 metre height standard.

It is important to note that the extent of non-compliance is limited to the non-habitable central pavilion roof form.

Similarly, the eastern edge of the central pavilion exceeds the 7.2 metre wall height standard by a maximum of 1.5 metres with the balance of the development, including the northern and southern pavilions, comply with the 7.2 metre maximum wall height standard.

*We note that the approved building height with an RL of 148.1 AHD ***WILL NOT CHANGE*** as a result of this S4.55 application. As such, the view studies and height analysis of the DA remain unaltered. The views that the western neighbour will experience from the DA approved building, or this S4.55 proposed building WILL BE THE SAME.*

Front Building Setback – Clause 20 variation

Pursuant to this standard the minimum front building setback to all roads is 20 metres. All proposed works, with the exception of the proposed below ground rainwater tank which is setback 10 metres from the Morgan Road frontage, are located well in excess of 20 metres from the front property boundary with the proposed dwelling located approximately 160 metres from Morgan Road. Although the rainwater tank is located below ground and will not be discernible as viewed from the street it does represent a technical non-compliance with the standard.

Again, Clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

The variation proposed to the 20 metre front building setback standard is considered acceptable for the following reasons:

- The non-compliant rainwater tank is located below ground and to that extent will not give rise to any adverse streetscape or residential amenity impacts.

- The balance of the front setback area is available for landscaping as detailed on the accompanying landscape plan.

- The rainwater tank does not require the removal of any trees, significant vegetation or natural features.

- A complying area of landscaped open space is provided on the site and accordingly a sense of openness is maintained despite the non-compliance.

- The non-compliant water tank will not give rise to any adverse amenity or streetscape consequences and do not contravene any general principles of development control.

- The non-compliant rainwater tank will not contravene any state planning policies.

The resulting development, notwithstanding the front building setback breaching rainwater tank, is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy. As such strict compliance is both unreasonable and unnecessary under such circumstances.

There is NO CHANGE to the relevance of this clause as a result of the works proposed in this S4.55 application.

Side and Rear Building Setback

Pursuant to this provision development is to maintain a minimum 10 metre setback to the side and rear boundaries. The rear and side setback areas are to be landscaped and free of any structures, carparking or site facilities other than driveways and fences.

The large size of the block ensures that the dwelling complies with the side and rear setback controls it being noted that driveways are allowable encroachments within the side and rear boundary setbacks. The northern portion of the proposed swimming pool and adjacent access stairs do however encroach within the prescribed 10 metre rear setback by up to 6 metres.

Again, Clause 20 of WLEP 2000 provides for consent to be granted to the proposed development even if the development does not comply with one or more development standards, provided the resulting development is consistent with the desired future character of the locality, the general principles of development control and any relevant State environmental planning policy.

There is NO CHANGE to the relevance of this clause as a result of the works proposed in this S4.55 application.

Landscaped Open Space

The minimum area of landscaped open space is 30 per cent of the site area. To measure an area of landscaped open space –

- (a) impervious surfaces such as driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks and the like and any areas with a width or length of less than 2 metres are excluded from the landscaped open space area, and*
- (b) the water surface of swimming pools and impervious surfaces that occur naturally such as rock outcrops are included in the landscaped open space area, and*
- (c) landscaped open space must be at ground level, and*
- (d) the minimum soil depth of land that can be included as landscaped open space is 1 metre.*

The size of the block of land ensures this control is satisfied with 32% of the site being retained as landscaped open space and enhanced with landscaping treatments identified on the landscape plan.

There is NO CHANGE to the relevance of this clause as a result of the works proposed in this S4.55 application.

5.0 Conclusion

The SEE prepared for the DA by Greg Boston of Boston Blyth Fleming Pty Ltd concluded that:

'The proposed Category 2 development involving the construction of a new single residential dwelling has been found to be consistent with the desired future character of the B2 Oxford Falls locality and is appropriately described as a low intensity and low impact use'.

It is our view that the above statement remains true.

The addition of the proposed basement is reasonable. It also has little or nil negative effects on the natural environment or any neighbours.

We seek Council's support via the approval of this S4.55 application.

Jonathon Peterson
Nominated Architect NSW ARB 5776



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			Jenny and David Austin		Statement of Effects / Changes	
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