


DRAFT

9th August 2022.

Response to Blackwattle Planning Submission Dated – 28th June 2022.

By Micheal Fountain Architect Pty Ltd.

Item No.	Item	Concern	Response
1	Introduction	Daniel and Caroline do not oppose the redevelopment of their neighbour's property in general terms, however there are a number of aspects of the design which cause significant impact upon them.	Our clients are willing to change the design to address the concerns of their neighbours.
2		We think the Council should request the applicant reconsider the proposal given these concerns and noting the extent to which the proposal is non-compliant with Council's planning policies. The departures from policy and the impacts upon No. 26 Goondari Road are outlined below.	The proposal has been reconsidered and amended drawings are attached.
3	Shadow Diagrams not available on website	We note that the plan set made available on Council's DA Tracking website does not include the shadow diagrams that are listed in the cover page.	Shadow drawings were included however the design has now been changed and new shadow drawing will be produced if those changes are accepted in principle by Council.
4	Geotechnical Information	We are concerned that the information within the geotechnical report prepared by JK Geotechnics is not current.	The design has been changed to address the concerns of the neighbours, should the amendments be accepted in principle by Council the Geotec will be referenced to reflect the amended design.
5	Warringah DCP 2011		
6	Control B5 Side boundary setbacks	The new dwelling proposed includes excavation and construction of a new driveway, garage, elevated	The amended design complies with control B5 of the WDCP.

		<p>patio and pool with zero setback to the southern boundary. This design has a significant and adverse impact on the structures and amenity of residents at No. 26 Goondari Road. The zero setback not only results in the presentation of an extensive wall to the neighbouring property, but also requires the removal of existing landscaping and canopy trees.</p>	<p>The proposed structures have been amended to set back 900mm from the boundary and sit well inside the building envelope.</p> <p>The elevation as it exists comprises a stepped stone wall topped by a paling fence.</p> <p>The proposed boundary treatment now comprises a similar composition including new planter boxes facing the neighbours.</p>
7		<p><i>Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</i></p>	<p>As the subject property sits above the neighbouring property by between 850mm and 1650mm there will always be a need for a retaining wall.</p>  <p>The red line in the image, (provided by the neighbour), above illustrates the approximate position of the boundary between the properties. The existing stone and timber planters, the stone retaining wall and the timber paling fence all sit on the subject property.</p>

			<p>The proposal sees the replacement of the retaining wall and fence and the replacement of planter boxes.</p> <p>The proposal does see the driveway extend to the boundary such that vehicles can exit the garage in a forward direction.</p> <p>The proposed walls of the garage and pool will for the most part be a greater setback than that which exists at the moment.</p>
8		<i>to provide opportunities for deep soil landscape areas.</i>	<p>Soil in the proposed planter boxes will be deeper than those which currently exist and will be bale to support substantial planting.</p> <p>The proposal is compliant with this control.</p>
9		<i>To ensure that development does not become visually dominant.</i>	<p>The proposed deck level will be lower than the existing deck level by 460mm.</p> <p>The balustrade will be lower than the existing fence adjacent the proposed swimming pool, however when standing in the pool no view lines into No.26 will be possible.</p> <p>The proposed balustrade will be approximately 200mm, higher than the existing fence adjacent the pool of No.26.</p> <p>The emphasis on the horizontal and the softening provided by the new and existing landscaping in with No.26 will be a net positive to the composition of their swimming pool area.</p> <p>The proposal is compliant with this control.</p>

10		<i>To ensure that the scale and bulk of buildings is minimised.</i>	<p>The proposed 2 car garage is now set back from the boundary by the required 900mm, it largely sub terranean, placed in an existing area of fill which is retained on all sides by retaining walls.</p> <p>The walls of the garage will replace the existing retaining walls. The roof of the garage sits 1160mm above the existing ground line, well below the height of the existing paling fence when viewed from No.26.</p> <p>The roof of the garage forms the terrace opposite the ground floor living spaces of the subject property, the balustrade to this deck sits approximately 200mm above the paling fence.</p> <p>The unifying nature of the continuous balustrade will reduce the bulk and scale of the existing structures</p> <p>The proposal is compliant with this control.</p>
11		<i>To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.</i>	<p>Other than the subterranean swimming pool and garage the proposed house is set back from the southern boundary by approximately 6m.</p> <p>The proposal is compliant with this control.</p>
12	Control D9 Building Bulk		
13		<i>Side and rear setbacks are to be progressively increased as wall height increases</i>	<p>The proposed house as amended is compliant with this control. It largely occupies the footprint of the existing house other than for the subterranean swimming pool and garage.</p>
14		<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>The proposed dwelling steps down the existing slope of the land.</p>

		<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: the amount of fill is not to exceed one metre in depth. Fill is not to spread beyond the footprint of the building. Excavation of the landform is to be minimised.</i>	<p>All substantial cliff faces are retained, excavation has been minimised and there will be no fill kept or brought onto the site, in fact most if not all fill will be removed from the site.</p> <p>The proposal is compliant with this control.</p>
15		<i>Orientate development to address the street.</i>	<p>The proposed façade is oriented toward the street in a similar manner as the existing house save for the additional required setback from the Northern boundary.</p> <p>The proposal is compliant with this control.</p>
16		<i>Landscape plantings are to be provided to reduce the visual bulk of new building and works.</i>	<p>The front, rear and side boundaries are landscaped and treed other than for the area of the building footprint.</p> <p>This area will be landscaped via the use of planter boxes where possible.</p> <p>The proposal is compliant with this control.</p>
17	Control E1 Preservation of Trees	To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term; and, To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.	<p>The site is typified by a large number of native trees, the vast bulk of which will be retained.</p> <p>The proposal sees the removal of 3 trees and is supported by a Level 5 Arborist.</p> <p>The amended proposal will see the reinstatement of 2 of the 3 trees.</p> <p>The proposal is compliant with this control.</p>

18	Control E6 Unique environmental features	The site and surrounding sites contain numerous rock outcrops and exposed sandstone	<p>All substantial cliff faces are will be retained.</p> <p>The proposal is compliant with this control.</p>
19	Control D8 Privacy	<p>Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties; and orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.</p> <p>The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.</p>	<p>The proposed house has been deliberately designed to ensure that there is little further impact of the privacy of the adjacent neighbours than that which already exists.</p> <p>The mid level of the proposed house sits forward of the house to the south largely on the same footprint as the existing house.</p> <p>While it looks over the street side private open space and driveway of the neighbour to the south in accordance with the control, it is well set back from the southern boundary and surrounded by a mostly solid balustrade.as such there will be no overlooking of the neighbours' private open spaces from the living space of the proposed house.</p> <p>The proposal is compliant with this control.</p>
20	Encroachments of No. 26 Goondari Road onto the subject site.		<p>The owner of the subject land has no interest in voluntarily adjusting the shared boundary between the two properties.</p> <p>We have obtained advice from a registered surveyor whom has confirmed that the subject land is a Torrens title lot and as such it will not be possible for the owner of No.26 to compel the owners of No. 28 to relinquish his land.</p> <p>It is not reasonable to constrain the development potential of the subject site as a result of an unlawful encroachment on that site.</p>

			While the swimming pool equipment enclosure is largely located on the property of No.26 the pool heater and pipework is located on the land of No. 28 and will need to be relocated.
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End.