
Sent: 2/11/2021 2:37:25 PM
Subject: Amended submission to DA2021/1790 at 214 Hudson Parade Clareville
Attachments: Submission to DA.2021.1790-214 Hudson Parade Clareville.pdf;

The attachment to this email is an amended submission to replace the submission already lodged to DA2021/1790 for 214 Hudson Parade Clareville. Please substitute this submission for the submission already lodged.

Kind regards

Greg Foster

Principal

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The General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655
02 November 2021

Attention: Ms. Anne-Marie Young

Dear Ms. Young

RE: SUBMISSION TO DA2021/1790 – 214 HUDSON PARADE
CLAREVILLE.

My firm has been commissioned by Mr. M and Ms. G Guberina, owners of 216 Hudson Parade Clareville to prepare this submission to the Proposed Development Notification correspondence dated 14 October 2021 received. This notification advises that development application, DA2021/1790, has been lodged, that seeks consent for proposed alterations and additions to the existing dwelling house that also will include installation of a swimming pool and garage at 214 Hudson Street Clareville. 214 Hudson Parade Clareville is the neighbouring property to the west of my clients' property.

Examination of the documents available via the search application provision on Council's website has been undertaken.

This research has revealed the following issues and impacts that will result from development application DA2021/1790 on my clients' property being 216 Hudson Parade Clareville and the impact upon Hudson Parade:

i) Solar Access Decrease:

The architectural drawings prepared by Utz Sanby Architects provide shadow diagrams for the winter solstice (drawing no. DA-05 Rev A). This drawing provides the existing and proposed increase in overshadowing of my clients' property located at 216 Hudson Parade.

It is acknowledged that my clients' property is located to the east of 214 Hudson Parade, the site subject of DA2021/1790.

Examination of this drawing reveals that there will be an increase in overshadowing in the winter solstice to the western elevation of my clients' dwelling house as follows:

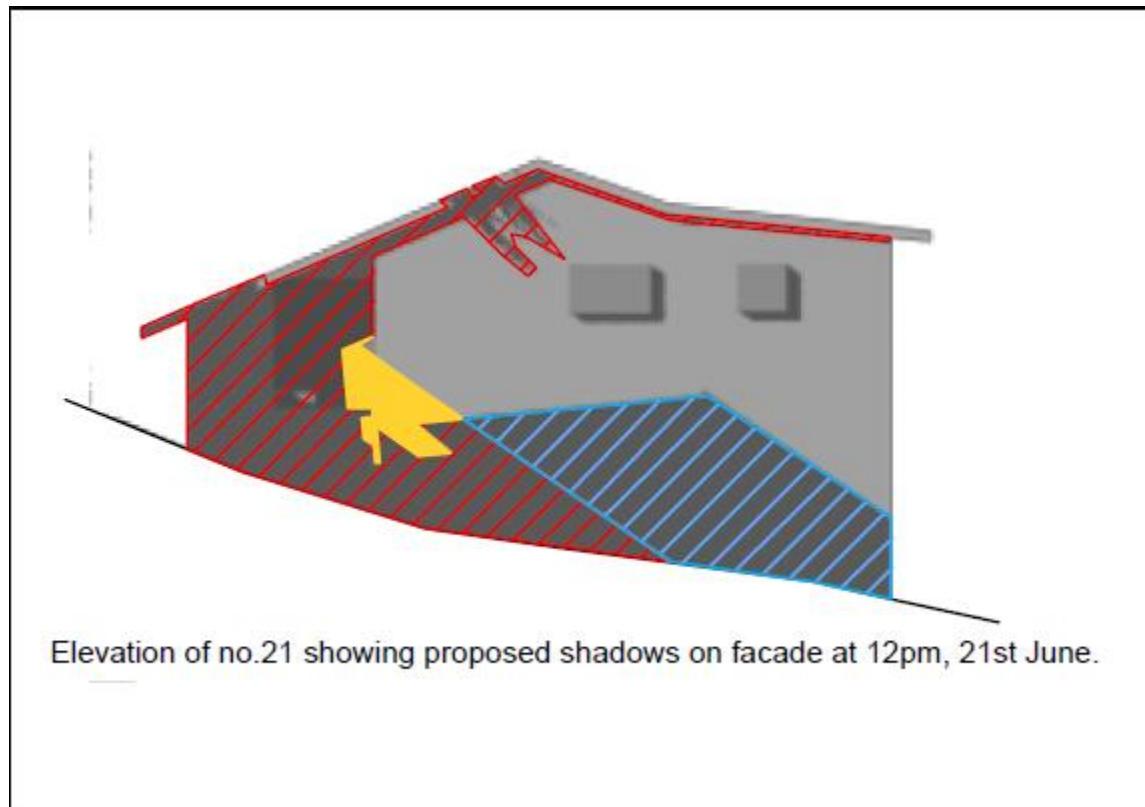
9am

No increase in overshadowing, at this time.

12pm

The shadowing drawing identifies there is to be an overshadowing increase will cover

the lower section of the building as indicated by the blue cross hatching on the drawing extract as follows, with a slight solar increase as indicated by the yellow colour.



The increase in overshadowing will reduce solar access for the lower level of the building and the solar heating obtained of the lower level that will also indirectly heat the upper level of the house through the rising of heat from this lower level.

The outcome of this decrease in access to solar heating, will therefore generate a greater use of heating in winter to maintain the same level of internal comfort in both the lower and upper levels.

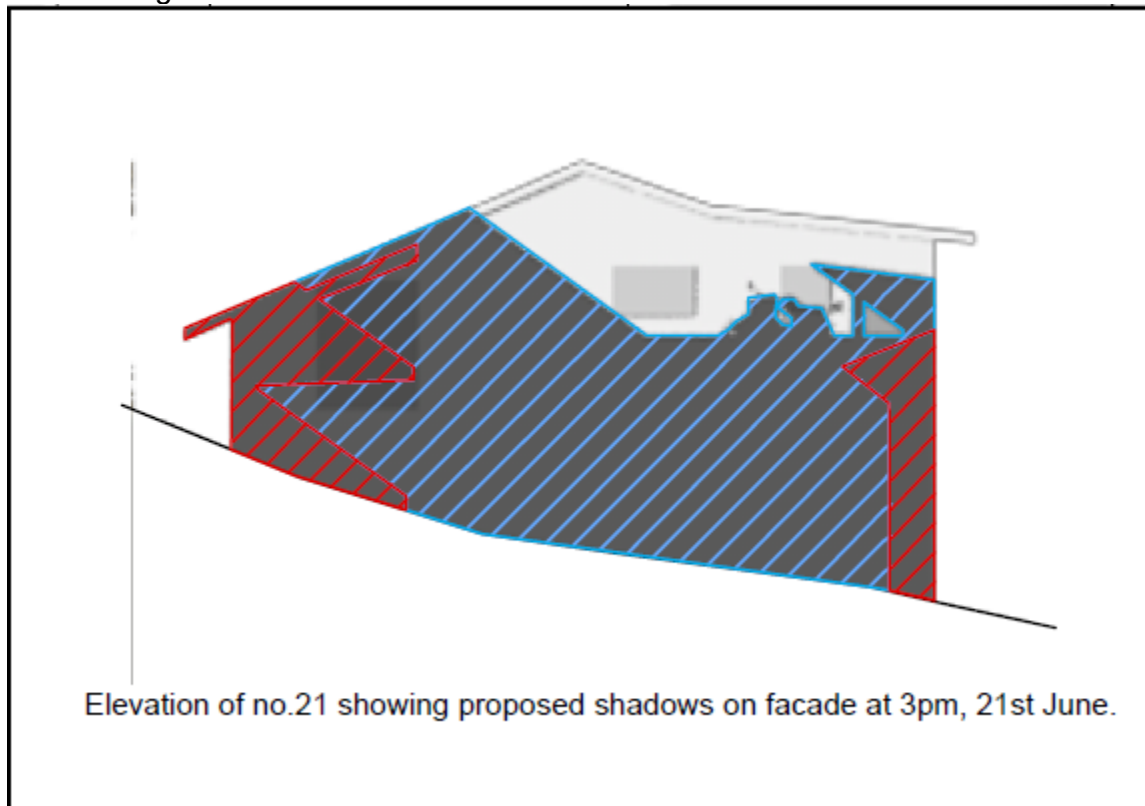
This result will produce a substantially less environmental outcome in comparison to the existing situation. This situation will result as more additional heating will need to be generated to maintain the existing winter comfort level. Therefore this additional heating generation will result in more energy usage (electricity) that will result in an increase in use of more fossil fuel/coal to generate electricity to provide the energy for provision of the additional heating and a greater level of greenhouse gases and therefore global warming and as such will add substantially to climate change.

It is considered due to the above information, the proposed alterations and addition within the upper level of the site will produce an unacceptable environmental outcome for both my clients' and the environment.

3pm

The shadowing drawing identifies there is to be an overshadowing increase that will cover a substantial amount of the building as indicated by the blue cross hatching on

the drawing extract as follows.



The overshadowing increase identified in the above diagram will result in a substantially greater reduction in solar access to that already identified in the 12pm response.

The amount of overshadowing increase at 3pm will have a substantially greater internally cooling effect on the internal winter comfort level to both the upper and lower levels there is to be no access to the solar heating to both levels as with the current situation.

The resultant outcome will be, as indicated in 12pm response above, that this situation will result in a need for greater internal heating of both levels than required currently to maintain the current level of internal winter comfort. Accordingly, this situation will result in a substantial detrimental result for both my clients' and the environment due to an increase in potential global warming through more generation of greenhouse gases.

ii) Pittwater DCP 21 Section D Locality Specific Development Controls D1.11 Building Envelope

Control D1.11 located within Section D Locality Specific Development Controls of the Pittwater DCP 21, states for development other than residential flat buildings and multi dwelling houses, shall comply with the following:

Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014)

No diagrams are provided as part of the architectural drawings or any information that

demonstrates this architectural design proposed, for alterations and additions to 214 Hudson Parade, will comply with the requirement of this control.

The Statement of Environmental Effects states that the design will be non-compliant with this control's requirement. The only argument presented is this control should apply to new development, and as this proposal is for alterations and additions, and for this application to comply, would require demolition of the first floor of the existing dwelling. Due to this situation Council should not require strict compliance with this control.

However, it could be argued that what is being proposed, is fundamentally a new dwelling on site, having regard to the amount of demolition and new work required and proposed.

Further, if a more traditional design was proposed, instead of the 'courtyard dwelling' design, where the first floor element were reallocated to the 'courtyard' area. The result could be a design, potentially compliant with this control. Also, the design modification suggested, would visually reduce the resulting very dominant, 3 storey visual form visually proposed to Pittwater. This outcome results as the most upper level would visually recede and provide a stepping of the rear elevation and thereby visually reduce the visual bulk and scale of this elevation.

iii) Additional increase in noise from increased usage of inclinator/Loss of Acoustic Privacy

The eastern elevation provided on Architectural drawing no. DA-03, indicates that three (3) new door openings are to be provided in this elevation to provide access to the existing inclinator.

The house design proposed, as described in the Statement of Environmental Effects, is to result in a 'courtyard dwelling' house.

The design fundamentally, will provide two individual buildings separated by a courtyard. Due to the site's topography, the two buildings will be linked by numerous staircases only. No lift can be provided to reduce the amount of required stair usage between each building.

The three (3) new door openings proposed, for access to the existing inclinator, are to service garage/bedroom 4 area (Level 4), the access hall area (Level 3 Main Living level) and bedroom level area (Level 2 Bedroom).

As already identified, the building design will result in two (2) separate building areas, due to the 'courtyard dwelling' house design. Accordingly, this design is not the typical design of the surrounding development, where all the levels are normally provided on one level or each level above each other as in a two (2) or three (3) storey building. Accordingly, this design proposed is not typical of the surrounding development or of the existing development on the site.

Normally, upon redevelopment of a site proposing replacement development or alterations and additions, would provide a lift to provide access to all levels within the

building, so as to reduce use of the stairs between levels for less stressful access and allow for continued usage of the house as the owners' aged.

As already stated, there are numerous staircases proposed, due to the proposed courtyard design. Therefore, to reduce stair usage and provide ease of access between buildings, as the design cannot provide a typical lift layout to join both buildings. It is considered that the existing inclinator usage will increase substantially, as the inclinator will take the place of a lift provided for ease of access between levels. Accordingly the increase in inclinator usage, will result an increase in both mechanical and people noise beyond the current situation.

This conclusion is reached as any person who parks in the garage will automatically use the inclinator to obtain access to the main living area or to access the games room and music area on level 2. Also, at night to gain access to the bedroom areas on Level 1 and 2 the inclinator will most likely be used instead of the stairs from Level 3, as identified on the architectural drawing, to be the main living level.

Therefore, as identified above, the outcome will be a substantial increase in both mechanical and people noise for my clients' and have an affect on current acoustic privacy, they current enjoy.

iv) Proposed Excavation impact on 216 Hudson Parade

The Statement of Environmental Effects at page 37, states in relation to Control B8.1 Construction and Demolition – Excavation and Landfill, to '*Refer to the Geotech report prepared by Douglas Partners*' for further information/detail on whether this application will be compliant with this control.

Page 6 of the Douglas Partners report states as follows in relation to *Excavation and Retaining Structures*:

5.3 Excavation and Retaining Structures

The architectural drawings indicate that excavation into the slope will be required for the proposed development. The excavations will be between 1.2 m and 3.3 m deep.

It is expected that excavation into colluvial and residual clay soils will be readily achieved using conventional hydraulically operated earthmoving equipment down to the level of low to medium (or stronger) rock. However, the upslope, eastern portion of the excavation may encounter medium strength rock (and possibly stronger) towards the lower parts of the excavation, which will require the use of appropriate sawing, ripping, rock milling and possibly rock breaking equipment.

To date the geotechnical assessment of the site has been limited to detailed site inspection and assessment using hand held equipment. Preliminary design, subject to onsite confirmation during construction (as needed as part of Pittwater Council Form 3 requirements) may be undertaken using the information and parameters detailed below and in the following sections of this report.

The existing clayey and sandy soils are currently subject to soil creep on the lower parts of the site, and will need to be appropriately supported. Any soil remaining exposed along the crest of

any excavation cannot be relied upon to stand with batter slopes exceeding 1.5:1 (H:V) and support will be required where this batter slope cannot be achieved.

Engineer designed retaining walls should be used to retain all soils, filling or extremely weathered bedrock and particularly where the retained height is more than 1 m.

Also, the report states in relation to the proposed excavation:

Within the proposed excavation, sandstone/siltstone/shale bedrock of at least medium strength is generally expected to be able to stand near-vertically without support. However, given the locally steep, foreshore location of the site, it is possible that there may be steeply inclined stress relief joints, sub-parallel to the slope which could give rise to localised instability requiring rock bolt or other support. Similarly, where there are intersecting joints, highly weathered zones within the rock mass or pockets of deeper soil cover, there could be a potential for local block or minor slip failures. Such features will require localised support such as rock bolts, underpinning or the application of shotcrete.

Control B8.1 requires any development that proposes excavation is required to comply with the following requirement:

Outcomes

Site disturbance is minimised. (En)

Excavation, landfill and construction not to have an adverse impact. (En)

Excavation and landfill operations not to cause damage on the development or adjoining property. (S)

The Geotechnical report indicates that due to 214 Hudson Parade's site topography excavations between 1.2m to 3.3m are required. Also, the report indicates that *'geotechnical assessment of the site has been limited to detailed site inspection and assessment using hand held equipment'* only.

The report notes that due to the soil type, that excavation may be achieved through use of *'conventional hydraulically operated earthmoving equipment. However, the upslope, eastern portion of the excavation may encounter medium strength rock (and possibly stronger) towards the lower parts of the excavation, which will require the use of appropriate sawing, ripping, rock milling and possibly rock breaking equipment.'*

Review of this information appears to indicate that there will be substantial vibration generated, that will be felt at my clients' site, especially when rock breaking equipment will be used.

It is requested that the application be conditioned to undertake a dilapidation report of my clients' structures pre and post construction to ensure that no repair burden be imposed on my clients'.

Also, the report notes that *'the existing clayey and sandy soils are currently subject to soil creep on the lower parts of the site, and will need to be appropriately supported.'* This statement indicates that there is a potential for construction of retaining walls in the lower part of the site.

It is considered that further investigation should be required by the applicant to determine the size and height of potential retaining walls in this location and this information provided for further assessment and appropriate response from my clients', to ensure that they are appraised of any future situation, and any possible impact/s.

Conclusion

The above information indicates that this proposal will be non-compliant with Council controls and will result in detrimental and unacceptable impacts upon my clients' privacy, property and have a detrimental environmental outcome in relation to a potential increase in global warming and thereby climate change.

Accordingly, the application in its current design should not be supported or approved by Council.

Should you have any queries, or require any additional information or clarification please do not hesitate to contact my clients' via email at mgubs@icoud.com or myself.

Kind regards

A handwritten signature in black ink, appearing to read 'Greg Foster', with a small dot at the end.

Greg Foster
Principal Planner of GM Planning Services