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**Sent:** 17/04/2020 10:48:28 AM  
**Subject:** DA2020/0291  
**Attachments:** Objection Letter 24 Carlton St.pdf; Survey.pdf;

Dear Penny Wong

Please find attached our letter of concern regarding the proposed development at 24 Carlton St, Freshwater DA 2020/0291. Please feel free to contact the owner of number 26 Carlton St, Freshwater, Phil Brannigan on 0418 211 779, if you would like a site visit, to review the concerns raised, and areas on non compliance.

Regards

Sheralee Hogan

Sheralee Hogan B.Sc(Arch) B.(Arch) U.Syd

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**Northern Beaches Council  
Re.DA 2020/0291**

Dear Penny Wood,

This objection to the development application DA2020/0291 for 24 Carlton Street, Freshwater, is written on behalf of the owners of 26 Carlton Street, Freshwater, Phillip and Colleen Brannigan.

We believe the Development Application for additions and alterations to 24 Carlton Street Freshwater is inadequate in the information provided for the submission and does not meet the controls or objectives of many of the requirements established in the Warringah Development Control Plan 2011 and the Warringah Local Environment Plan 2011.

The submission lacks details which are required to form an accurate assessment of the proposal. The Site plan shows no dimensioned setbacks to site boundaries, or any relative ground levels of the existing area next to the dwelling. The floor plans again show no front or rear setbacks to boundaries of proposed new works, thickness of walls, overall wall lengths, or dimensions of external windows or doors. The elevations haven't shown any relative existing ground levels, again show no dimensions or heights on windows and doors, and have not depicted the building envelope line on the North Elevation. A previous Survey prepared for 26 Carlton Street, Freshwater in 2006 by Lockley Land Title Solutions, also shows differences in the ground and ridge levels of number 24, as submitted in the application.(see attached) Although the differences may be minor they reveal an additional non compliance in maximum wall height on the north and west facades.

The existing semi detached development at number 24 although may have been common in the post war era of the Freshwater neighbourhood, however there are no examples in the nearby streets of similar semi-detached dwellings that have been developed and are actually quite rare in this location. The distinct difference in two semi detached houses being developed is that they produce a two fold burden to the site in the number of bedrooms(8), inhabitants and vehicles, yet at the same time, also produce a reduction in landscape area when compared to a single dwelling lot.

The northern wall of the proposal is not compliant in meeting the objectives set out in **B3 Side Boundary Envelopes** which are as follows:

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

The wall is over 18.8m in length is a continuous two storey wall with no relief in the façade. It's height ranges from 6m to 7.2m(7.28m using our previous survey) and at a setback of only 1.16m from the northern boundary. As such it is above the building envelope for the majority of the wall, including a massive 1.45m above it at the rear of the property. This wall is not only visually dominant, having no modulation or relief, but does not allow privacy between dwellings due to the minimal spatial separation between dwellings, which is not large enough for landscape screening.

The property naturally slopes to the back of the site, although has had quite a substantial amount of fill added to it in November 2018, approximately 500mm to create a raised level rear yard with new decking without any development submissions. This additional fill misleads the true bulk created from lower properties, and with the wall height staying continuous above 7.2m at the rear, and not reduced as the land falls, does not respond to the topography of the site. The height of this wall could easily be reduced, by reducing the generous 3.42m floor to floor height from the ground to the first floor.

The proposal is not compliant in meeting the objectives set out in **B7 Front Boundary Setbacks** which are as follows:

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The proposed carport and built elements proposed have a nil setback and take up more than 50% of the front boundary length, reducing the openness of the streetscape, not consistent with existing streetscape patterning and almost void of any landscape elements.

The proposal is not compliant in meeting the objectives set out in **D1 Landscape Open Space and Bushland Setting** which are as follows:

- *To enable planting to maintain and enhance the streetscape.*
- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*
- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*
- *To enhance privacy between buildings.*
- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.*
- *To provide space for service functions, including clothes drying.*
- *To facilitate water management, including on-site detention and infiltration of stormwater.*

As mentioned above the proposed front carport and path design takes up more than 50% of the width of the site, reducing the ability to add streetscape planting, conserve any topographical features(rock outcrops) or existing vegetation. The proposed soft landscape area is 47m<sup>2</sup> at the front of the dwelling and 22m<sup>2</sup> at the rear, equating to only 28.5% of the site, well under the 40% requirement.

Using the existing wall setback to the north at 1.16m, not only prevents any large scale planting to soften the built form, but also reduces privacy between buildings and private outdoor spaces.

Additionally with such limited soft landscape area, it greatly reduces the ability for the site to absorb natural water runoff across the site.

The proposal is not compliant in meeting the objectives set out in **D8 Privacy** which are as follows:

1. *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
2. *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
3. *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening*

*devices, high sills or obscured glass.*

*4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*

*5. Planter boxes, louvre screens, pergolas, balcony design and the like are to be used to screen a minimum of 50% of the principal private open space of a lower apartment from overlooking from an upper apartment.*

The new window in the northern wall of the master bedroom is located to allow direct looking into the neighbours primary living room at number 26 Carlton Street. The deck off this room also has no privacy screen facing north, which again will allow direct vision of the neighbours ground floor living spaces. All of the windows on the first floor to the north will directly over look the primary outdoor area and pool area of number 26 and there has been no attempt to mitigate this issue with raised sill heights or privacy by means of landscape or other screening. In order to clarify the impact of the proposal in terms of privacy between dwellings, it would be beneficial for the southern elevation of number 26 to be overlaid onto the northern elevation of number 24.

The proposal is not compliant in meeting the objectives or requirements set out in **D9 Building Bulk** which are as follows:

### **Objectives**

- *To encourage good design and innovative architecture to improve the urban environment.*
- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

### **Requirements**

- 1. Side and rear setbacks are to be progressively increased as wall height increases.*
- 2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.*
- 3. 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.*
- 4. Building height and scale needs to relate to topography and site conditions.*
- 5. Orientate development to address the street.*
- 6. Use colour, materials and surface treatment to reduce building bulk.*
- 7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.*
- 8. Articulate walls to reduce building mass.*

As previously discussed in the non compliance of the Building Envelope the large two storey wall that runs for more than 50% of the length of the side boundary with a limited 1.16m setback does not comply with the intentions set out in the clause. The setbacks don't progressively increase with the wall heights, as it is one large plane of wall without any relief, the dominance of the bulk is not addressed from downslope and the height and scale does not reflect the topography. As mentioned the natural topography of the rear yard has been modified without approval within the last 18months, with additional fill added, putting pressure on existing brick boundary walls, that were not designed for retaining purposes. If some articulation could be introduced to provide some soft planting along this façade, and a reduction in height, particularly at the back of the house, the building bulk would be greatly reduced, alleviating any loss of amenity to neighbouring dwellings.

It is difficult to assess the true nature of the excavation and fill at the front of the site due to the lack of information on the plans, predominantly the lack of relative levels that should have been transferred from the survey. The excavation appears more extensive then mentioned being into a solid rock outcrop that runs across the front of the site, yet this hasn't been addressed, or any potential vibrational damage that could occur to neighbouring footings due to the excavation of rock on site.

Finally the disposal of Stormwater for Low Level properties has not been addressed. Although the overall additional coverage is less than 50m<sup>2</sup>, the existing drainage for the house is to the ground, with no OSD system in place, infiltration design/system, or re direction through properties below. As such it is not compliant with councils requirement for the disposal of Stormwater drainage to be by gravity means through a pipe system to councils drainage system for low level properties.

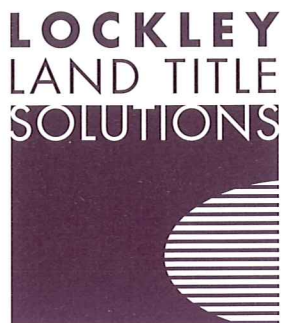
It is our request that the application be refused for lack of information provided to assess the development, and the numerous non-compliance with the WDCP 2011 and WLEP 2011 being Side Boundary Envelopes, Front Setbacks, Landscape Open Space, Privacy, Building Bulk, and Stormwater management.

Regards

**Sheralee Hogan B.Sc(Arch)B.(Arch) U.Syd**

**SITE SPECIFIC DESIGNS**

**Sheralee.ssd@bigpond.com**



#### **PARTNERS**

Michael R. Lockley, B.App.Sc (Surv), M.I.S. (Aust)  
Damian J. Maguire, B.Surv., M.I.S. (Aust)  
Joseph Monardo, B.Surv., M.I.S. (Aust)

#### **ASSOCIATES**

Christopher J. Moyce, B.Surv., M.I.S. (Aust)

**29625**  
**16 June 2006**

**TO: COLLEEN & PHILLIP BRANNIGAN**

**RE: 26 CARLTON STREET, HARBORD**

**WE HAVE SURVEYED** upon your instruction the land shown on the accompanying plan comprised in Certificate of Title registered Folio Identifier C/343750 being Lot C in Deposited Plan No 343750 at Harbord in the Local Government Area of Warringah Parish of Manly cove County of Cumberland having frontage to **CARLTON STREET**.

**THIS LAND** has no registered Easement or Right of Way.

**WE REPORT** that erected thereon is a two and three level rendered brick residence with a tile roof **KNOWN AS NO 26 CARLTON STREET** together with a rendered brick garage. The residence and garage stand wholly within the boundaries of the subject property.

**OFFSETS OF WALLS FROM BOUNDARIES** are shown on the accompanying plan.

**WE FIND THAT THE BOUNDARIES** of the subject property are fenced as shown. The adjoining timber awning marked AB of No 28 overhangs the subject land by up to 0.25 of a metre. The position of the residence, garage and fencing is shown on the accompanying plan. Apart from irregularities in fencing there are no other apparent encroachments of note by or upon the subject property.

**THE SUBJECT PROPERTY** does not contravene those conditions of the Covenant in Transfer No 574625 that can be measured and observed by a Surveyor.

**THE SURVEY OF THE SUBJECT LAND** is for identification, detail and level purposes only and is restricted to those parts of structures which are visible and accessible. Should further additions or improvements be erected upon the subject property after this date we would advise that the boundaries be marked on the ground prior to construction.

**LOCKLEY LAND TITLE SOLUTIONS**

A handwritten signature in blue ink, reading "Joseph Monardo".

**REGISTERED SURVEYOR**

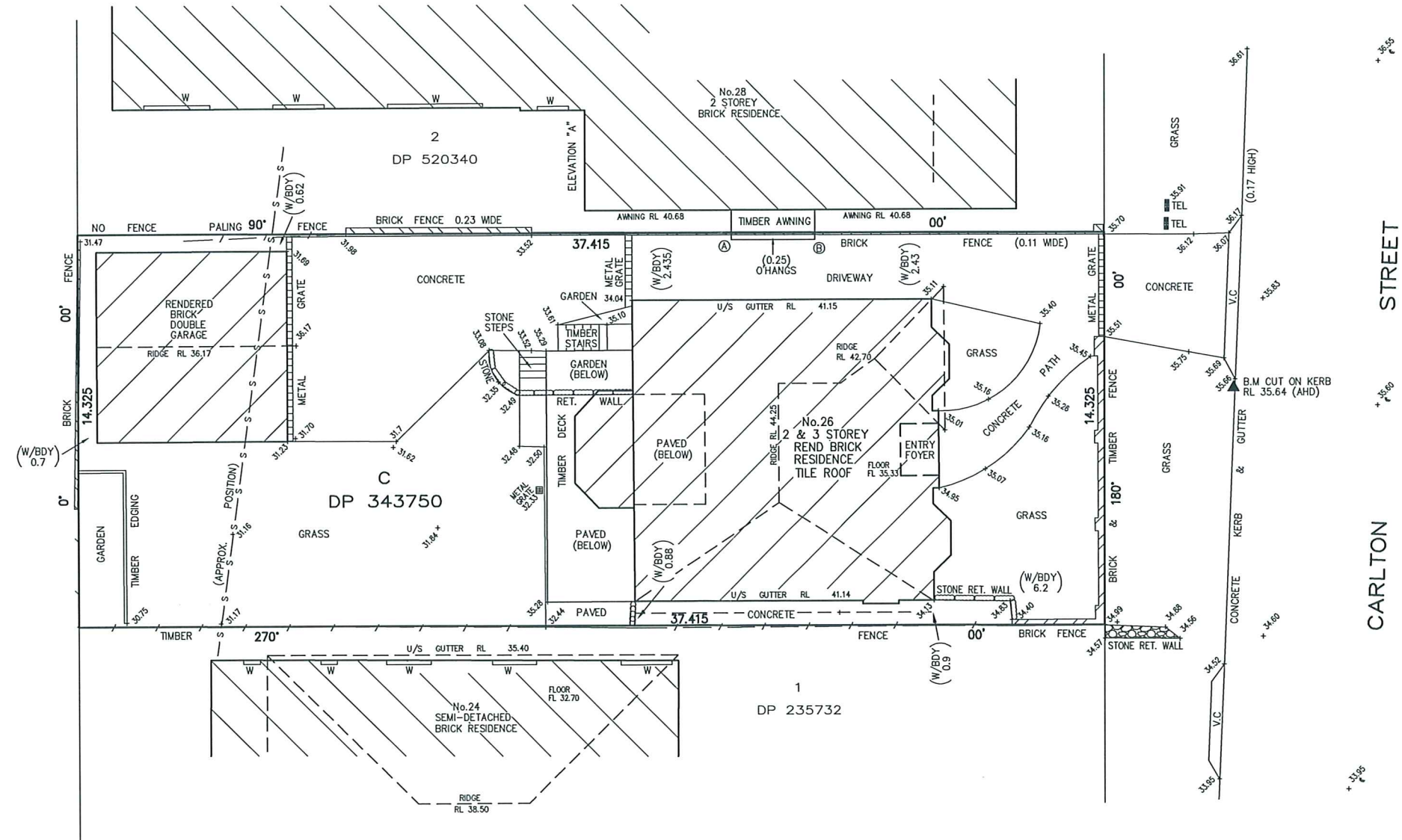
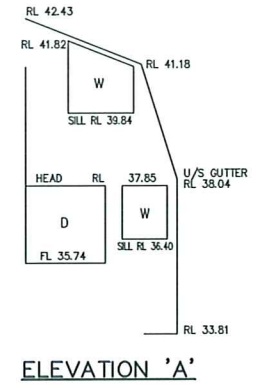
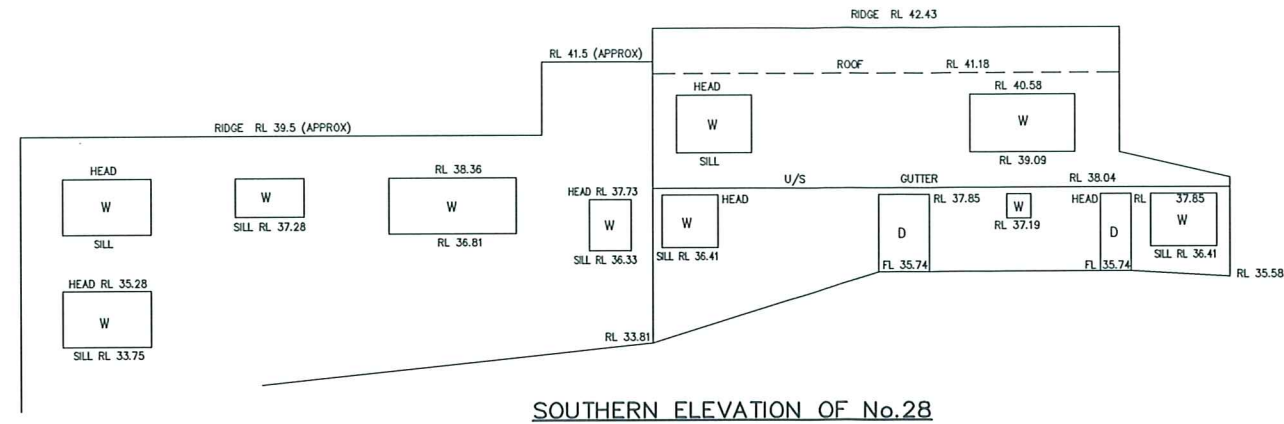
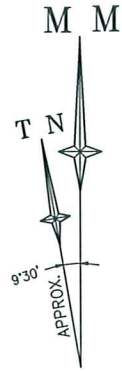
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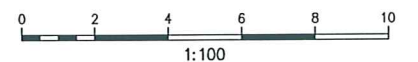
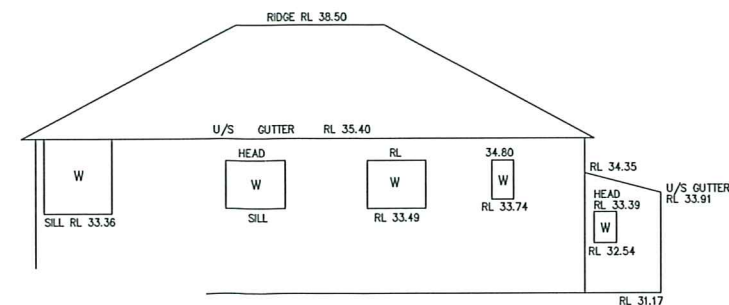


#### LEGEND

BENCH MARK	▲
TELSTRA PIT	TEL
VEHICLE CROSSING	VC
WINDOW	W
SEWER	S

#### NOTES

- 1) THE BOUNDARIES HAVE NOT BEEN MARKED
- 2) ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY THE OFFICE OF LAND & PROPERTY INFORMATION (NSW) AND ARE SUBJECT TO FINAL SURVEY
- 3) ORIGIN OF LEVELS ON A.H.D. IS TAKEN FROM SSM 791 R.L. 26.161 (A.H.D.) IN WYNDORA ROAD
- 4) ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
- 5) KERB LEVELS ARE TO THE TOP OF KERB UNLESS SHOWN OTHERWISE
- 6) FLOOR LEVELS SHOWN ARE THRESHOLD LEVELS. NO INVESTIGATION OF INTERNAL FLOOR LEVELS HAS BEEN UNDERTAKEN
- 7) NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE
- 8) BEARINGS SHOWN ARE MAGNETIC. ADD APPROX. 9°30' FOR TRUE NORTH BEARINGS



THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: 15-06-06  Registered Surveyor NSW	DATE OF SURVEY: 15-06-06	<b>LOCKLEY LAND TITLE SOLUTIONS</b> Registered Surveyors NSW 19 Massey Street Gladesville NSW 2111 PO BOX 400 Gladesville NSW 1675 ph:(02) 9879 4077 fax:(02) 9879 7143	CLIENT: PHILLIP BRANNIGAN	ORIGINAL PLAN SIZE: A1 1:100
	DATUM: AHD		PLAN OF DETAIL AND LEVELS OVER LOT C IN DP 343750, BEING No.26 CARLTON STREET, HARBORD	PROJECT No: JOB REFERENCE: 29625DT SHEET OF 1 SHEETS 1