
From: Graham Mckee
Sent: Tuesday, 19 April 2022 11:52 AM
To: Planning Panels - Northern Beaches
Cc: Tiana Nicola
Subject: DA2021/1801 - 55 Woolgoolga Street, NORTH BALGOWLAH: Submission (30246)

Dear Panel Members,

We note that this Development Application is to be determined at the upcoming Northern Beaches Local Planning Panel Meeting on 20 April 2022.

The Development Application ("DA") was lodged on 27 September 2021, has been the subject of significant Council assessment over the past 6 months and has been recommended for approval to the Northern Beaches Local Planning Panel ("Panel") on 20 April 2022 in the Report to Northern Beaches Local Planning Panel Meeting, Item No. 4.1 – 20 April 2022 ("Assessment Report").

Purpose of this Submission

The purpose of this submission is to respond to various matters raised in the Assessment Report, including specifically particular conditions of consent.

Stormwater Issues

The most recent onsite meeting on 5 April 2021, included Council's town planner, Phil Lane and Council's engineers, Simon Gray and Uma Shanmugalingam. This was effectively a meeting with the residents to better understand their concerns about stormwater overland flow and accessing Council's system downstream.

The detailed assessment of the proposed stormwater system is set out at pages 16, 17 and 18 of the Assessment Report.

Relevantly, the level spreader design significantly reduces the discharge rate from the subject site to the downstream properties from existing conditions. The Assessment Report notes:

"In the existing conditions there is a total of 312m² of impervious area (hard surface) which is discharging to the rear of the property without any visible controls. In the proposed level spreader design the discharge from the majority of the 526m² of impervious area is controlled by a 40m³ OSD system. This reduces the discharge to the rear from 52l/s to 26l/s in the 1% AEP event".

In summary, as the Panel would be aware, the provision of a stormwater system that is consistent with Council's policy will significantly improve the situation for the neighbours downstream.

Overshadowing, visual bulk and compliance with building envelope

The applicant notes that Council, in the Assessment Report when considering the resident objections at page 13, notes:

"While the proposed development is larger in bulk and scale than existing development in the locality, it is considered the revised design appropriately balances the needs of the applicant and the concerns of the objectors."

A visit to the site and consideration of the aerial photograph at page 9 highlights the subdivision pattern which responds to the significant fall of 10m of elevation over a 30m lineal distance directly adjoining the Woolgoolga Street boundary. The design of the building minimises visual bulk, overshadowing and generally complies with the building envelope as the site steps down from north to south. The Clause 4.6 has been updated to respond to the amended plans and the Assessment Report notes that the variation to the 8.5m height development standard is supported in the circumstances of this case.

We rely on Council's Assessment Report and its satisfaction that the proposed development meets the objectives of Council's planning controls, and any numerical variations are acceptable in the circumstances of this case.

Solar access to 6 and 8 Dorrigo

The late submission from Blackwattle Planning suggests that the proposed development adversely impacts solar access to 6 and 8 Dorrigo. We acknowledge that the relevant test is 3 hours and highlight that the shadow analysis provided to Council (which was comprehensive) does identify that solar access to 30m² of private open space is generally achieved to those properties. Given the topography of the land, the subdivision pattern and the proposed development is located within the building zone, within a contained footprint, the objectives of the solar access provision for neighbours are achieved.

Response to Condition 12: Amendments to the approved plans:

We note that Council, in its Assessment Report at page 33, dealt with privacy concerns for occupants and neighbours and we request that the Panel consider the following submissions relating to condition 12m amendments to the approved plans.

Proposed amendments set out in paragraph a), b) and g) are accepted.

c) *Window W02*: The entry foyer is a transitional space where people will be accessing the lift and/or the proposed staircase. Due to the vertical drop of the proposed RL of 85.1 to a general RL of 74.0 (6 Dorrigo) and an RL of 72.5 (8 Dorrigo), although survey information is not provided, the land continues to fall to 10 Urunga Street. People pausing to wait for the lift are looking out to the view, rather than down into neighbours' properties. Given the limited time that residents would be in this area, the requirement for obscure glazing is not justified.

It is also, in an R2 residential setting, an unreasonable assessment to suggest that this entry foyer should be obscure glazed due to its proximity to other properties.

We note that obscure glazing is accepted for windows W19 and W22.

d) *Windows W07 and W08* can be conditioned to be highlight windows to address overlooking to 6 Dorrigo. We note the setback of the corner of the dining room is 7m from the common boundary with 6 Dorrigo. The angle of any outlook to that property is oblique.

Window W17 addresses privacy by presenting an oblique angle to 8 Dorrigo with a significant separation between the bedroom uses proposed on the site, and the private open space of that property. Operable louvres have been included, which are intended to be stacked to the east, further restricting any potential overlooking. Therefore, we request that no obscure glazing to a height of 1.5m be imposed by way of condition to W17.

Windows W20 and W21 are bedroom windows which have a sill height of 1m. It is not unusual in R2 Zones to have overlooking from bedroom windows (or upstairs living areas) to neighbouring properties. W20 is setback 4.5m from the kink in the boundary. Both W20 and W21 face the heavily vegetated backyard of 53 Woolgoolga Road. Any view to 6 Dorrigo would be oblique and the separation between those uses sufficient to address any perceived or real overlooking impact.

It is generally accepted that overlooking from bedroom windows is of a different character to that of living areas.

We request the Panel delete the requirement for Windows W17, W20 and W21 to have the sill height raised or obscure to a height of 1.5m.

e) *Width of Deck*: The privacy screen to the eastern portion of the deck is accepted. This is specifically identified in condition 21 and is accepted as a reasonable condition in the circumstances. However, the depth of the deck which is sought to be reduced by 1m is objected to. The covered elements of the deck have been pulled back as part of the assessment process. It is reasonable to have a deck that is 3.5m wide to facilitate its functionality and usability, specifically given the multi-generational nature of this development which has been put forward from the very beginning as part of the Statement of Environmental Effects.

The removal of the kitchenette and associated cooking facilities reveals a fundamental misunderstanding of the DA as put to Council. We accept Condition 3 which requires the site to be used only as a dwelling house. We also accept Condition 4 states which even more clearly that there is no approval for a secondary dwelling.

The owners and applicants to this DA propose as a family to provide for a home for their parents that is independent but integrated into the dwelling house as a whole. The parents wish to age in place in the community and will require carers, as one of the parents, the father, has had Parkinsons for six years, and his condition is worsening. His mobility is significantly reduced and medical advice is that this will continue to occur. Universal accessibility is required, particularly a lift, for him to continue to live on the property.

It is important that the Panel are aware that this is a multigenerational house, therefore, the size and functionality of the kitchenette provision of cooking facilities and the width of the deck are important to allow the aging couple dignity and independence as they look to and negotiate the future ahead.

We note for completeness, that the walls referred to in subparagraph g) are existing walls and no works are proposed to form part of this DA approval.

Conclusion

The applicant has worked hard during the assessment of the DA to address all of Council's planning and stormwater controls on a challenging site with topographical constraints. The variations proposed as part of the now amended DA are requesting an appropriate extent of flexibility in the application of the relevant planning controls.

We look forward to presenting before the Panel and answering any questions in relation to the proposed development, along with the applicant's team being Greg Boston, Bruce Kenny, and Robert Ursino and should it be necessary our client, Rory Pryor.

Regards,

Graham McKee

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