
Sent: 28/02/2019 4:00:31 PM
Subject: DA 2019/0093 - 6 Coastview Place, Freshwater - Objection
Attachments: 2019-02-28 LET CL_DA2019_0093_6 Coastview PI Freshwater.pdf;

The Information Officer Northern Beaches Council

I act on behalf of Ms. Sheona Devin, a neighbour adjoining the above site. Please find our submission attached.

Please confirm satisfactory receipt of this message and attachment.

Regards,
Steven Layman
Architect & Town Planner

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STEVEN LAYMAN CONSULTING
PTY LTD
TOWN PLANNING & URBAN DESIGN
REGISTERED ARCHITECT & TOWN PLANNER

28 February 2019 – By e-mail to council@northernbeaches.nsw.gov.au

The General Manager
Northern Beaches Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir,

Matter: Development application no. DA-2019/0093
Land: 8 Coastview Place, Freshwater
Proposal: Change of Use - Alterations and additions to a dwelling house including a swimming pool and conversion of existing garage into detached studio

Submission: By 28 February 2017

I act on behalf of Mrs. Sheona Devin part owner and resident of 6 Coastview Place, sited immediately to the south of 8 Coastview Place, Freshwater ("the subject site").

We have reviewed the plans and supporting documents and we wish to express the following concerns:

Status of the Site

On 22 June 2017 we made a submission to Council in respect of DA-2017/0544, in respect of *Alterations and Additions to a Dwelling-House and Garage Including Swimming Pool and Landscaping* on the subject site.

In that submission we expressed concern about the existence of the subject site as follows:

It is evident from a reading of the Statement of Environmental Effects that the development site which is the subject of this development application ("the Development Site") does not legally exist. The Statement of Environmental Effects states that "*Council consent was issued on 1 September, 2014 for the subdivision of land for a boundary adjustment to 6 Dick Street and 8 Coastview Place, under DA 2014/0677.... Although approved by Council, this lot extension has not been formally registered with the LPI.*"

We submit that the Development Site must be formally registered before Council can grant consent to the Proposal for development of it.

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A review of the current proposal suggests that the proposal is again to alter the boundaries of the subject site. Statement of Environmental Effects Section 2 Background Information says:

Council consent was issued 1 September 2014 for the subdivision of land for a boundary adjustment to 6 Dick Street and 8 Coastview Place, under DA2014/0677. The portion of land to which is boundary adjustments relate is proposed to be adjusted to complement the architectural layout.

Although approved by Council, this lot extension has not been formally registered with LPI and as such a letter of consent to proceed with this DA based on the lot boundary adjustment from the owner of 6 Dick Street has been submitted with this application.

The boundary adjustment has not taken place. This proposal is a new proposal and the boundary adjustments should be reconsidered having regard to the development now proposed. This is not referred to in the description of the proposal and not addressed in the Statement of Environmental Effects.

We maintain our concern about the legal status of the site, the acknowledgement of boundary adjustment in the description of the proposal and the lack of assessment of the boundary adjustment in the Statement of Environmental Effects.

Existing Unauthorised Use

The Statement of Environmental Effects (p. 4) claims:

The site was previously defined as a residential flat building; however, it was converted to a dwelling house with attached granny flat in 2015. A Construction Certificate was submitted on 9 June 2015.

The proposal drawings do not appear to include a plan of each level of the existing house. We ask that Council require plans of all existing floor levels to be submitted.

It appears to the neighbours that the premises are being used as three occupancies. The approved development is for a dwelling and one secondary dwelling only.

The design of the existing building appears to exhibit the features of two large dwellings and a secondary dwelling. If so the existing building is therefore definable as a residential flat building, which is prohibited in the R2 Low Density Residential Zone by reason of not being listed among the land uses in paragraph "3. Permitted with consent" in the Land Use Table.

The use of the building for multiple domiciles exacerbates the shortage of the already restricted on-street parking in Coastview Place.

Landscaped Area Deficiency

The Statement of Environmental Effects claims compliance with the Landscaped Open Space requirement of 40% of site area. However the proposal appears to be deficient. There is inadequate information to substantiate the claimed compliance in the plans provided.

The proposal appears to rely on landscaped area on existing and proposed structures.

By reference to Sections BB and CC it is evident that the pool, its surrounds and the area connecting the proposed lawn area and the steps to the "Existing Balcony (Increased)" is a suspended concrete structure. Section BB shows the natural ground level to be in the order of RL 34.6 to 34.3, while the Site Analysis Plan shows the "proposed lawn" level to be RL40 a difference of 5.4 to 5.7 metres.

The objectives and requirements for Landscaped Open Space and Bushland Setting are set out in Warringah DCP Part D Design, Section D1:

Objectives

- *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.*

Requirements

1. *The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:*

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

The proposed lawn area connecting the new works to the existing building:

- Is elevated in the order of 5.4 to 5.7m above ground level; and
- May include areas less than 2 metres wide which do not qualify as Landscaped Open Space

We query whether existing concrete pathways which are excluded from Landscaped Open Space have been included in landscaped open space claimed by the applicant.

It is inadequate to meet the objectives of the control, particularly:

- *conserve and enhance indigenous vegetation, topographical features and habitat for wildlife*

Rather it suspends heavy concrete structures over the topographical features.

Siting, Elevation and Visual Impact of Proposed Pool

The proposed suspended concrete swimming pool is situated in a highly visible location for example from the Coastview Place public steps and walkway, in a highly elevated position (see picture below).



View of existing dwelling and existing balcony to be added to from the Coastview Place public steps

The proposal is to extend the “Existing Balcony” (the clearly visible splay element in the picture above) and attach to its new edge an elevated pool structure that extends to approximately 300mm from the boundary. The pool coping is at the level of the existing balcony (FL 41.000). The proposed suspended concrete swimming pool coping level with is up to approximately 5.59 metres above natural ground level (RL 35.41).

Warringah DCP Part D Design Section D16 Swimming Pools and Spa Pools relevantly provides the following objectives and requirements:

Objectives

- *To ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.*
- *To encourage innovative design solutions to improve the urban environment.*

The proposal is in direct contravention of the objective of preservation the natural environment and does not satisfy the objective of preserving streetscape.

There is no area for landscaping adequate to screen the suspended concrete pool structure. This arrangement is totally out of keeping with the natural landform and is inappropriate in a visually sensitive coastal location. The site is unsuitable for this elevated, totally suspended concrete pool structure.

What proposed landscaping there is (a narrow elevated planter box along the pool edge) should not be relied upon because at the Land and Environment Court has observed in the planning principle for consideration of the value proposed landscaping in **Super Studio v Waverley [2004] NSWLEC 91**:

The second principle is that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight. The effectiveness of landscaping as a privacy screen depends on continued maintenance, good climatic conditions and good luck. While it is theoretically possible for a council to compel an applicant to maintain landscaping to achieve the height and density proposed in an application, in practice this rarely happens.

Likewise the sustainability and effectiveness of landscaping as a permanent visual screen for the suspended concrete swimming pool structure is inadequate, dubious and should not be relied upon.

Construction Management

The proposal fails to address how access to no. 6 Coastview Place will be maintained throughout construction given the proximity of the driveway to the subject site.

We request that Council requires the provision of further information, particularly:

- Floor plans of all levels of the existing building
- Plans showing areas included in Landscaped Open Space which depict all existing and proposed hard surfaces

We consider that, ultimately, Council should refuse the proposal, because of its clear contravention of swimming pool objectives and because of the apparent significant deficiency in Landscaped Open Space.

Yours faithfully,



Steven Layman
Director