
From: Anna Williams
Sent: Tuesday, 19 April 2022 7:32 AM
To: Planning Panels - Northern Beaches; Council Northernbeaches Mailbox
Cc: Nick Keeler; Paul Masluk; Annabel Semedo; Valerie Moushigian; Simon Kacimaiwai
Subject: Submission to Panel meeting 20th April DA2021/1801 55 Woolgoolga St North Balgowlah
Attachments: Blackwattle Objection to Panel Final.pdf; Easement Assessment Letter - 55 Woolgoolga Street, North Balgowlah - 14APR22.pdf

Categories: NBLPP

Good Morning.

As discussed with Natalie Graham, please find attached a 2 page submission for the above mentioned DA to be heard at the NBLPP on Wednesday 20th April. As discussed with Natalie, this submission is provided this morning noting yesterday and Fridays public holiday. The letter from Taylor Consulting regarding stormwater is also provided as this will be the basis for further submissions on Wednesday.

Could you please acknowledge receipt of the submission and letter, and confirm that it has been passed on to the Panel members for consideration.

Thankyou

Anna Williams, Director
Blackwattle Planning
E:
T:

The CEO
Northern Beaches Council
Attention: NBLPP Chairperson and Panel members

18th April 2022

Dear Sir/Madam,

RE: DA2021/1801 55 Woolgoolga Street North Balgowlah

We represent the owners of 6 Dorrigo Avenue, 8 Dorrigo Avenue, and 10 Urunga Street North Balgowlah. We continue to hold the concerns raised in our submission received 05/04/22, with particular respect to visual impact arising from a noncompliant design. The following issues are raised in response to the NBLPP assessment report:

Objection to rock fall and boulder roll not addressed in report

Our objections raised in relation to the inadequacy of information relating to rock fall and boulder roll, and measures to protect downhill neighbours from this risk have not been addressed in the report. We continue to hold these concerns.

Objection to adequacy of Clause 4.6 Variation request not addressed in report

The report does not acknowledge our objection to the inadequacy of the Clause 4.6 Variation request submitted. In relation to the proposed development meeting the objectives of Clause 4.3, we note the following in relation to objectives (a) and (b) of the Height of Buildings standard:

(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development

This objective of the standard is not achieved. The submissions section of the report concedes that *“the proposed development is larger in bulk and scale than existing development in the locality”*. This description of the development is contrary to the further comment that *“the height and scale of the proposed development is generally consistent with that of other dwellings on the southern side of Woolgoolga Street”*. The report is contradictory and we agree with its initial finding. As a result, we say this objective is not achieved. No discussion of the contradictory comments is provided

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Our objection to the Clause 4.6 Variation Request is not identified or discussed in the report. We reiterate that the written request fails to address visual impacts on No. 6, and No. 8 Dorrigo Avenue, and No. 10 Urunga Street. As these impacts are not identified, the written request is not considered to be well founded and has not adequately demonstrated the objective to have been achieved. No discussion is provided in the report addressing this issue.

Access to sunlight not adequately addressed in report

No detailed assessment of compliance with the Access to Sunlight control is provided in the report. The comment under the heading Access to Sunlight provides no analysis

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whatsoever of sunlight received by No. 6 and 8 Dorrigo Avenue, at what time of the day, and to where. We maintain the proposal does not comply with the control for 3 hrs sunlight to 30sqm of private open space of No. 6 Dorrigo Avenue. This is demonstrated by the diagrams provided. It is clear from the diagrams that the additional shadow on both 6 and 8 Dorrigo Avenue is a direct result of breaches of policy.

Stormwater Control policy not upheld

We remain significantly concerned at the recommendation of Council engineers that a level spreader design be endorsed in circumstances where the best practice arrangement of a interallotment drainage design and associated easement is available. We ask the Panel to uphold the Council's own policy in this regard, and to remove from any consent issued the option for a level spreader design, and require an inter allotment system and easement. A professional assessment is provided (attached, Taylor Consulting) commissioned by downhill neighbours which removes any concern relating to the need to underpin structures and allows the consent authority to comfortably approve a condition to require an easement and drainage system to the street. To allow the less preferred solution to eventuate in these circumstances (noting the geotechnical constraints of the site) would be contrary to the Councils stated policy.

Conditions of consent - Should a consent be issued, we request the following changes:

Condition 15 - We request deletion of the paragraph describing the level spreader option.

Condition 36 - We request the following additional conditions be added:

- Two locally native canopy trees, provided to as advanced plantings and capable of reaching a minimum mature height of 8m, be provided in the setback area between the ground floor patio/living room and the boundary of No. 6 Dorrigo Avenue; and,
- Two locally native canopy trees, provided as advanced plantings and capable of reaching a minimum mature height of 8m, be provided in the rear yard, one adjacent to each of the boundaries shared with No. 8 Dorrigo Avenue, and No. 10 Urunga Street.

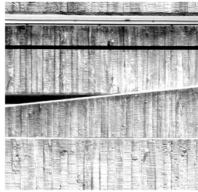
In conclusion, we are concerned at the extent of policy breach (height, side boundary envelope, wall height, access to sunlight, Building bulk), and the impacts on neighbours arising as a result. Given the extensive excavation and amount of void space in the design, we do not see that the slope of the land is sufficient justification. These impacts can be avoided with amended design and we ask the panel to pursue such changes.

We believe the Clause 4.6 Variation request is not well founded, has not met the appropriate tests, and should not be upheld. We are concerned our objection to this issue is not identified in the report and that the Council has not met their obligations in this regard.

Regards,
Anna Williams,
Director

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14 April 2022

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam

Re: Stormwater Easement Assessment - 55 Woolgoolga Street, North Balgowlah

This letter is to advise that I have conducted site inspections on 10 Urunga Street, North Balgowlah, 8 Dorrigo Avenue, North Balgowlah and 6 Dorrigo Avenue, North Balgowlah with respect to the Development Application for 55 Woolgoolga Street, North Balgowlah currently under consideration by Council.

There are no significant constraints that would preclude the creation and provision of a private inter-allotment drainage easement(s) on these properties.

Other adjacent downstream properties also look clear of any constraints, including the necessity for underpinning of existing buildings. As such there would be no significant impact on structural integrity of buildings and the affectation on existing services and utilities is expected to be minimal.

Specifically, there are 5 feasible options which would allow for the correct disposal of stormwater from the subject site to Council's existing stormwater drainage system:

- 6 Dorrigo - via direct easement to the Dorrigo Ave kerb and gutter
- 8 Dorrigo - via direct easement to the Dorrigo Ave kerb and gutter
- 10 Urunga Street - via direct easement to the Urunga Street kerb and gutter
- 10 Dorrigo Ave - via 10 Urunga for approximately 4 meters then direct easement to the Dorrigo Ave kerb and gutter
- 12 Dorrigo - via 10 Urunga for approximately 20 meters then direct easement to the Dorrigo Ave kerb and gutter



I would also like to note that the level spreader option suggested by the applicant's engineer would be considered to be a substandard stormwater outcome for this large site, as it will cause significant nuisance drainage issues, reduce the drainage amenity for downstream properties and should only be considered when there are no other feasible options.

I have spoken to a number of the downstream neighbours and have heard their willingness to enter into good faith negotiations with the owner of the subject property regarding the provision of a drainage easement but to date I understand that no such negotiations have occurred and under these circumstances there is no way that a level spreader solution should be considered and approved until such discussions have taken place.

Should you have any questions or queries regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
TAYLOR CONSULTING

D M SCHAEFER - Director
B.E. Civil – Hons. M.I.E. Aust. N.E.R.

