
Sent: 24/05/2019 3:46:37 PM

Subject: FW: Submission to DA2019/0391 -25 Loch Street Freshwater

Attachments: Image F Streetscape form North.JPG; Image G View from Front yard #23.JPG; Image I From BBQ to 23 Dining Room.JPG; Image K View from Living Rm deck #23.JPG; Image L View from Pool Deck #25.JPG; Image M View from Living Deck #23.JPG; Image P Study S window to #23 Yard.JPG; Image R Upper Roof Eave South East Corner.JPG; Image A From main deck to 23 Bed 1.JPG; Image B From main deck to terrace and pool area.JPG; Image C View from Living Deck #23.JPG; Image D Streetscape from South.JPG; Image E Streetscape from West.JPG; Submission to DA2019-0391.pdf;

Andrew Cowan
Director

T +61 2 9929 6974 | M 0413 555 638 | E acowan@willowtp.com.au

W www.willowtreeplanning.com.au



Suite 4, Level 7, 100 Walker Street
North Sydney NSW 2060

Unit 2, 56 Hudson Street
Hamilton NSW 2303

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From: Andrew Cowan

Sent: Friday, 24 May 2019 3:41 PM

To: 'Rebecca Englund'

Cc: 'Darren Holland' ; 'Tania Holland'

Subject: Submission to DA2019/0391 -25 Loch Street Freshwater

Good Afternoon Rebecca,

Please find attached the submission on behalf of 23 Loch Street Freshwater to DA2019/0391.

As discussed yesterday, following your review of this submission, we would appreciate the opportunity to meet on site to discuss the proposal further.

Should you wish to discuss, please contact me on 0413 555 638.

Regards,

Andrew Cowan
Director

T +61 2 9929 6974 | M 0413 555 638 | E acowan@willowtp.com.au

W www.willowtreeplanning.com.au

Suite 4, Level 7, 100 Walker Street

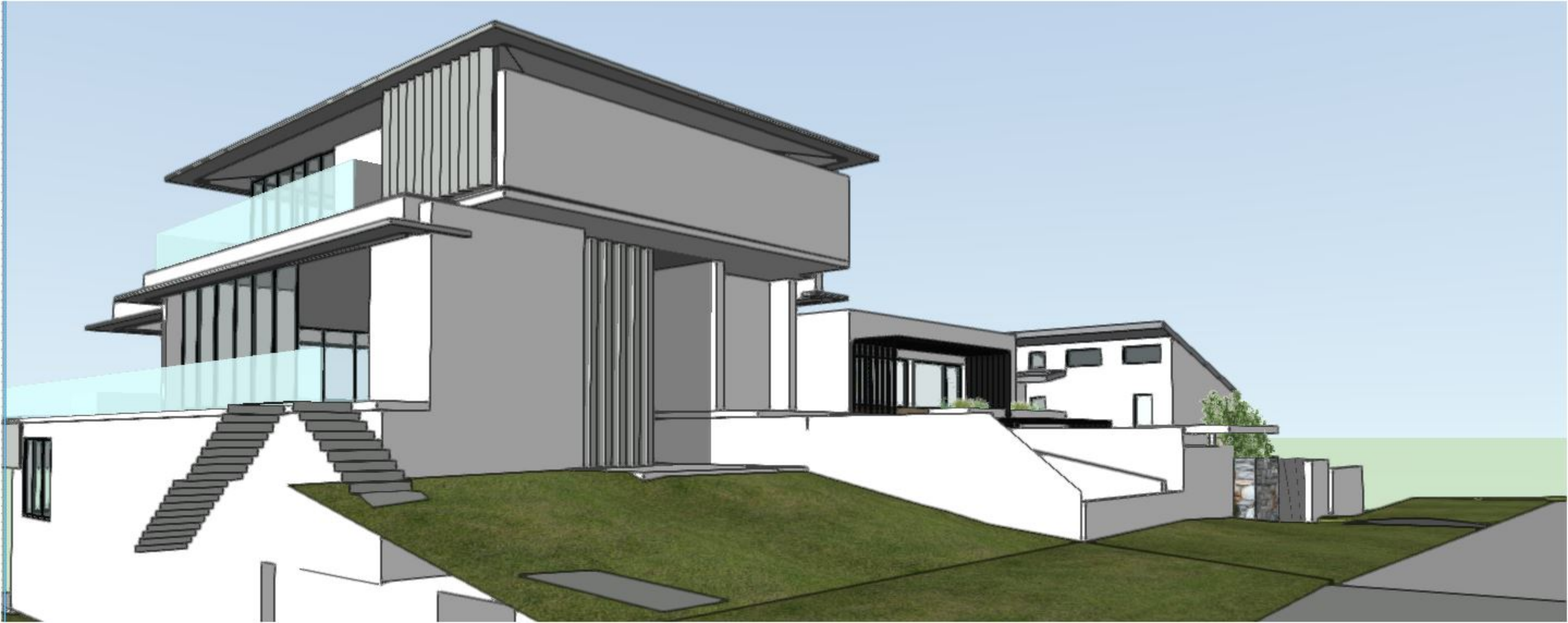
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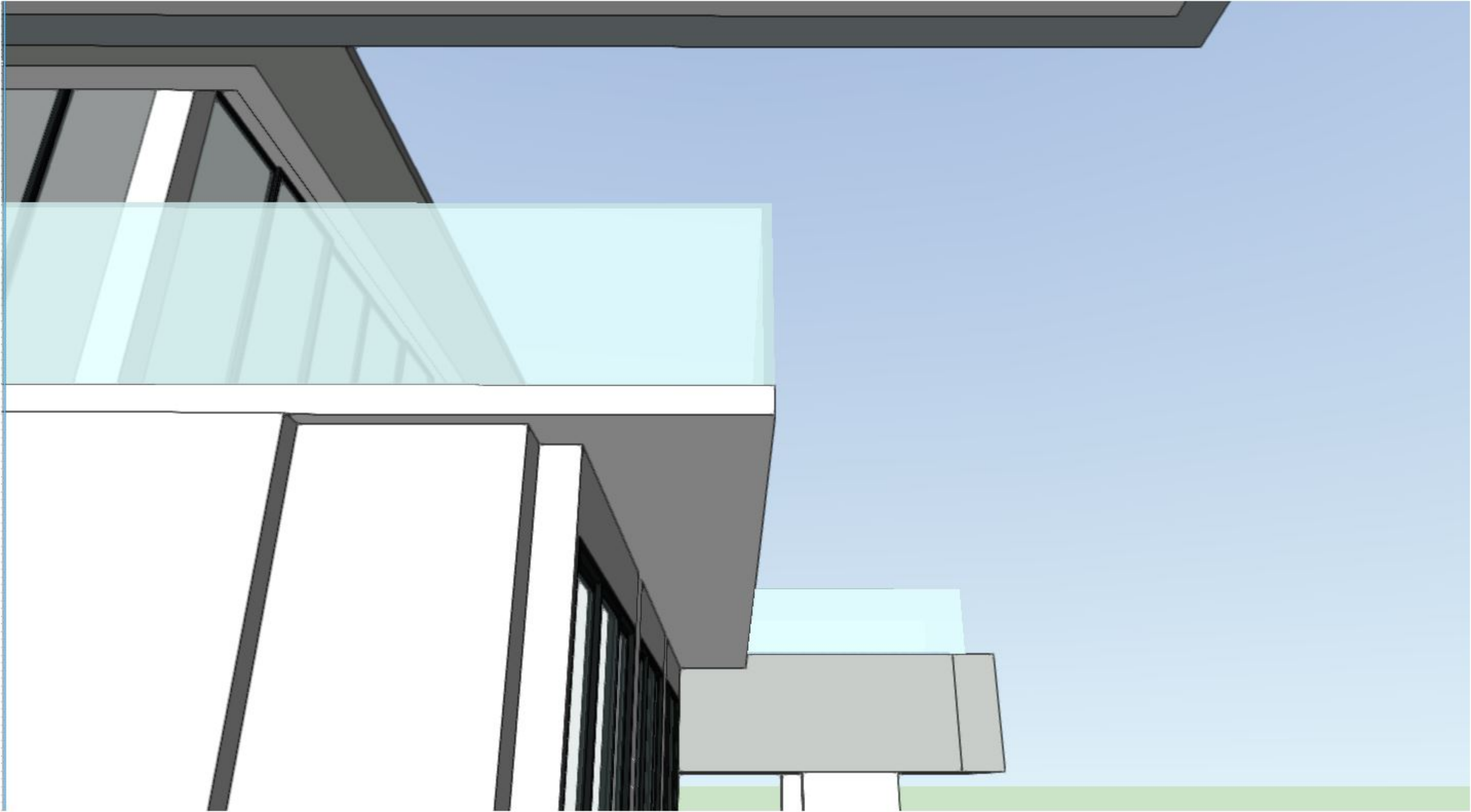
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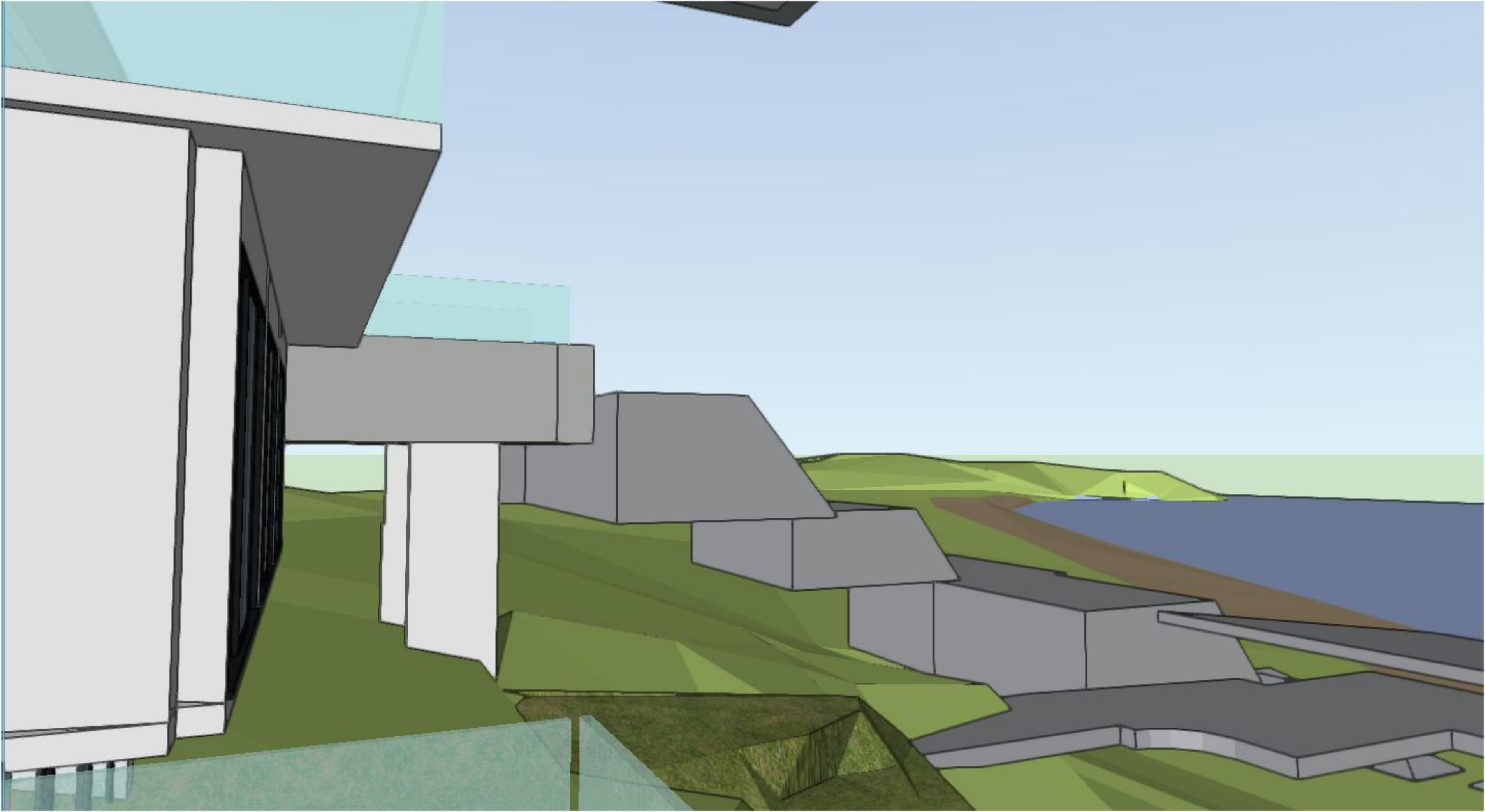




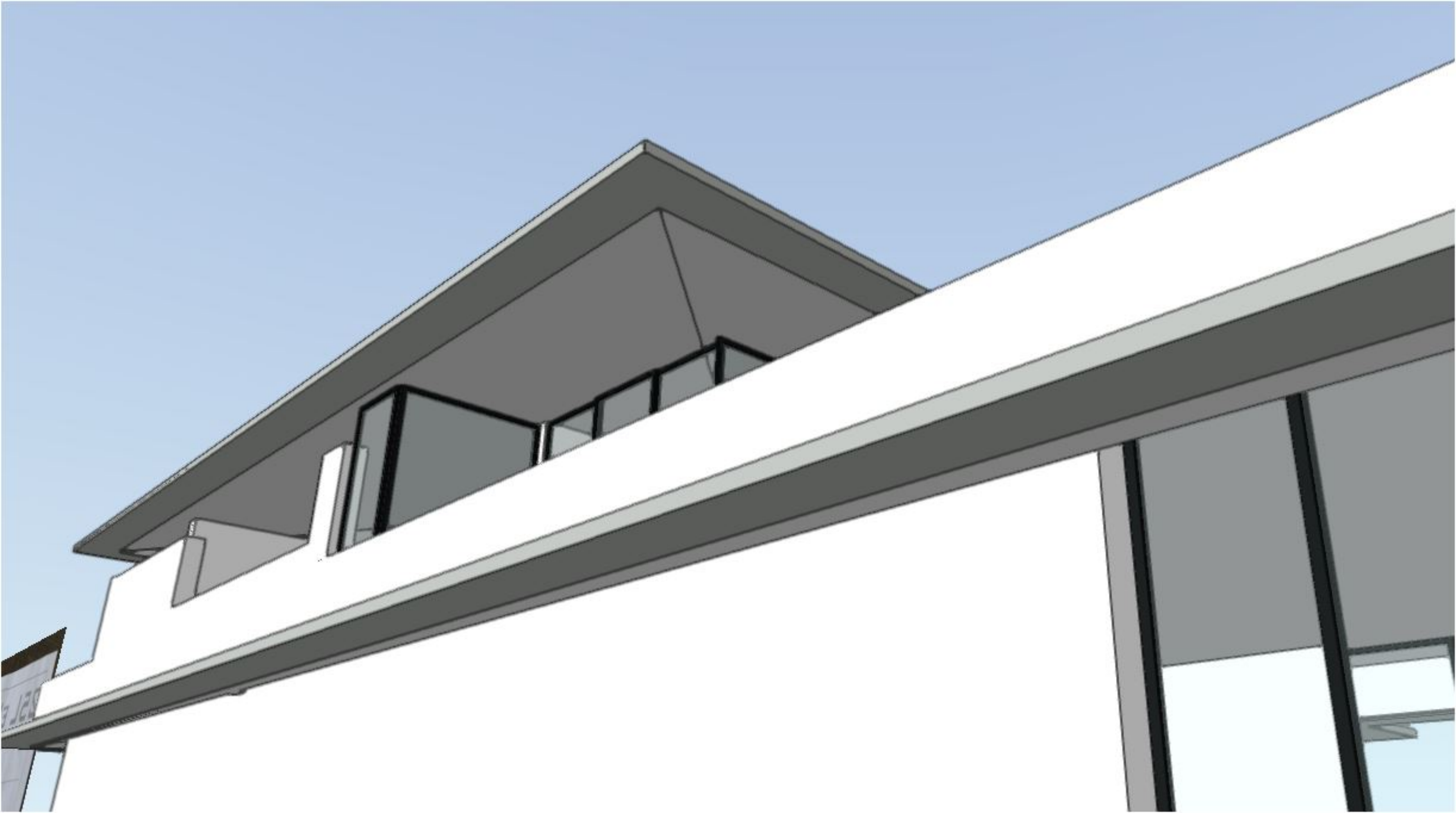






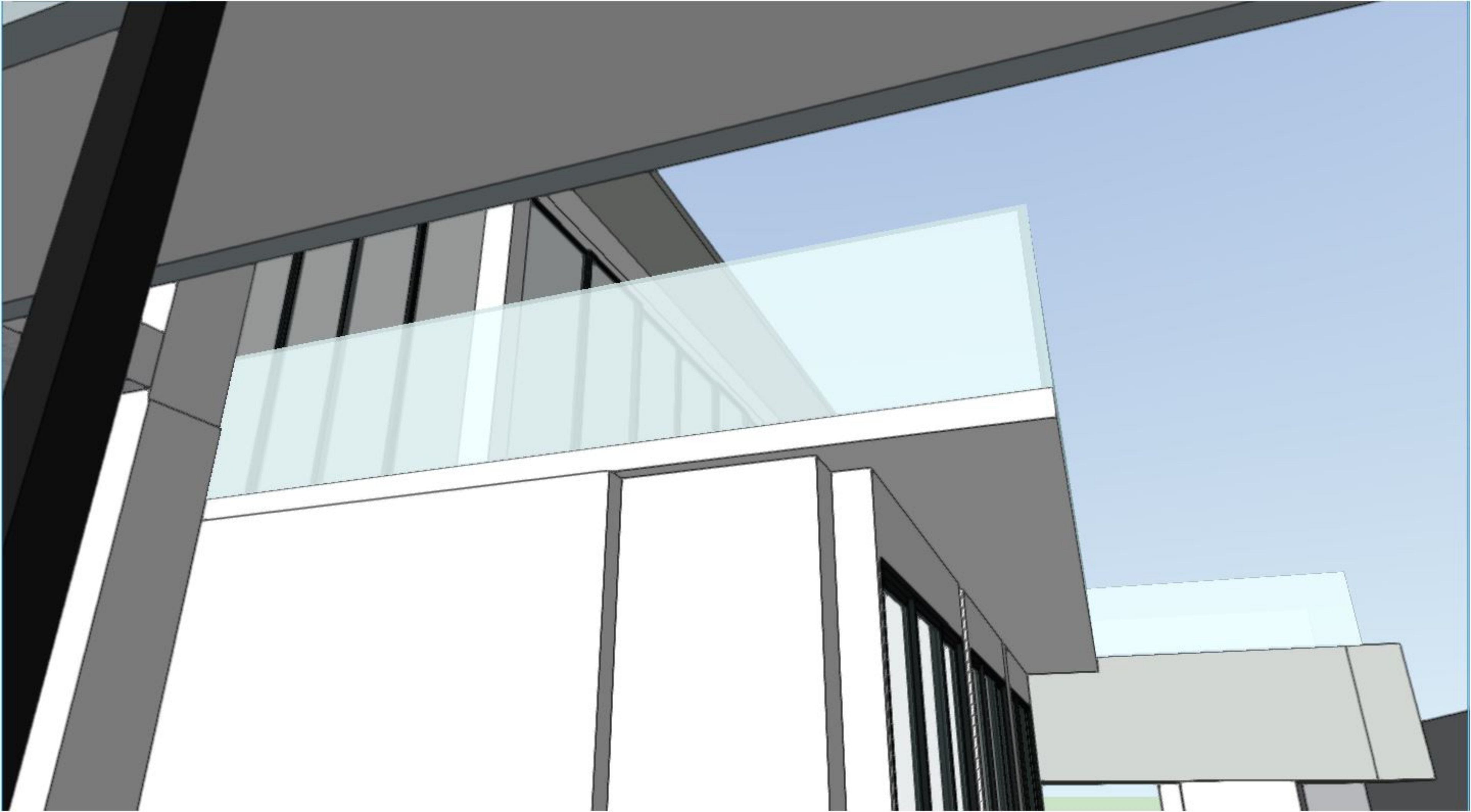


















ACN: 146 035 707 ABN: 54 146 035 707
Suite 4, Level 7, 100 Walker Street
North Sydney NSW 2060
P: 02 9929 6974
enquiries@willowtreeplanning.com.au
www.willowtreeplanning.com.au

The General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why
NSW 2099

ATTN: REBECCA ENGLUND - PRINCIPAL PLANNER

SUBMISSION TO DA2019/0391 – 25 LOCH STREET, FRESHWATER

Dear Rebecca,

This submission has been prepared on behalf of the owners and occupiers of 23 Loch Street Freshwater, in relation to Development Application DA2019/391 for the demolition of the existing dwelling and construction of a new three storey dwelling on the site at 25 Loch Street, Freshwater. The owners of 23 Loch Street appreciate the consultation that has been undertaken in relation to the proposal, however the design changes requested which have the ability to improve amenity outcomes have not been adopted.

Significant concerns are raised in relation to the overbearing nature of the proposed development and numerous inaccuracies that are presented on the plans and documentation submitted to Council. Moreover, the concerns relating to privacy are of paramount importance as the resultant impacts severely undermine the level of residential amenity afforded. It is considered that Council should review the points of contention raised in this submission which would ultimately warrant refusal of the Development Application in its current form.

In recent times, the owners of 23 Loch Street, Freshwater, have obtained two separate development consents (DA2015/1173 and DA2017/1203) for alterations and additions to the existing dwelling and construction of a new dwelling respectively. Under both applications, a level of compliance was achieved by negotiation with Council and the adjoining property owners to ensure that a high level of residential amenity can be retained. In the instance of the subject DA under assessment, it is evident that it does not respond to the site constraints, nor have the matters raised in consultation with the owners of 23 Loch Street been taken into consideration with respect to the design.

To ensure the amenity of the streetscape is preserved and a more responsive design is submitted to Council, it is strongly recommended that the current DA be refused.

The documentation and plans reviewed that have informed this submission includes:

- Architectural Plans prepared by Rolf Ockert Architect dated April 2019;
- Statement of Environmental Effects prepared by Planning Ingenuity dated 10 April 2019; and
- Survey Plan prepared by Stutchbury Jaques dated 17 April 2018.

The matters which require further detailed assessment in relation to this Development Application which warrant refusal are discussed as hereunder.

1. **Building Height**

It is apparent from reviewing the plans that the building height of the proposed dwelling exceeds all other residential dwellings on Loch and the surrounding streets and therefore represents an over development. Compliance with the 8.5m height limit prescribed under Clause 4.3 of *Warringah Local Environmental Plan 2011* (WLEP 2011) should be further investigated on this basis, particularly with respect to the nominated existing ground levels that are shown on the plans.

Like the requirement that 23 Loch Street was bound by under DA2015/1173, building height should be measured in accordance with clause (b) under the following definition:

building height (or height of building) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

The nominated existing ground level does not bear a relationship with the levels on the survey. It is requested that height poles be erected to comprehensively define the extent of the building and pool.

2. **Building Envelope**

As noted in the Statement of Environmental Effects, the proposal does not comply with the building envelope control (B3) under Warringah Development Control Plan 2011 (WDCP 2011). The report states that there are minor breaches occurring at the pool wall and balustrade at the privacy wall and louvres at the BBQ and at the south-eastern corner of the living room wall.

It is considered that these breaches are avoidable and are primarily owing to the overbearing nature of the development. A fully compliant development is achievable that would reduce the impacts on surrounding properties and align with the residential character of the streetscape. It is noted that the eaves are excluded, however the proposed plans show excessive eaves with respect to a normal dwelling design which have scope to be reduced.

3. **Streetscape**

It is evident based on the plans provided that the proposed dwelling will be overbearing within the streetscape and noticeably higher than and surrounding residential dwellings. The desired character of the streetscape is therefore considered to be undermined by the design submitted which would create an undesirable precedent for future development in the locality. A more skilful design would ensure that the overall scale responds to the prevailing built form that causes less amenity impacts.

Analysis should also be provided from iconic and highly usable public spaces, such as Curl Curl beach and the surrounding public open space. Given the overbearing scale of the development the visual presentation would be detrimental from these viewpoints.

4. **Wall Height**

WDCP 2011 (B1) requires that walls are not to exceed 7.2m in height as measured vertically from ground level (existing) to the underside of the ceiling on the uppermost floor of the building. The independent analysis prepared shows that there is a portion of the mid-level and upper floor which does not comply. The proposal should be amended to eliminate this non-compliance as it contributes to the overbearing nature of the development (refer **Appendix 1**).

5. **Privacy**

The extensive elevated open space areas and pool area present a number of privacy impacts to 23 Loch Street which are able to be mitigated through a reduced bulk and scale, along with additional screening. The main areas of concern in relation to privacy are:

- a) From the main deck to bedroom 1 of 23 Loch Street;
- b) From the main deck/terrace to the pool area of 23 Loch Street; and
- c) From the BBQ area looking into the living area of 23 Loch Street

The pool specifically presents serious concerns. Due to it being elevated it is difficult to screen and will directly overlook 23 Loch Street.

Based on the requirements of WDCP 2011 (D8), the proposal fails to comply with the requirements which are stipulated 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.*

Images prepared by the Architects for 23 Loch Street show the extent of overlooking that would result and confirm that additional design measures are required to mitigate impacts (refer **Appendix 1**).

6. **Inadequacies of Documentation**

There are several inadequacies with the documentation submitted to support the proposal, namely:

- a) The scale of the plans. Upon close review, it is evident that components of the building heights shown are mis-represented or not drawn to scale.
- b) The montages do not provide an accurate representation of proposed dwelling due to the skewed nature of the images.
- c) The depth of the proposed dwelling on the elevations does not correspond with the plan.
- d) The elevations do not coordinate with plans. For example, the step in the south eastern corner of the deck and various privacy louvre screens which will add to the bulk and scale are not shown.
- e) The existing ground level appears inaccurate and should be subject to a new survey. The dotted line shown does not align with the ground levels of the survey.

The above items are considered fundamental to enable a proper assessment of the proposal and must be raised by Council.

7. **Light Spill**

Due to the extensive glazing along southern elevation, there is opportunity for excessive light spill into 23 Loch Street that would undermine the amenity of the residents. A considered design approach could reduce this substantially by minimising glazing to reduce any interface impacts. Eliminating windows along the entire length of the elevations on all levels would assist to appease this concern.

Consistent with WDCP 2011(D12), light and glare should be maintained within the property of 25 Loch Street:

1. *The overspill from artificial illumination or sun reflection is to be minimised by utilising one or more of the following: Selecting an appropriate lighting height that is practical and responds to the building and its neighbours;*

- *Minimising the lit area of signage;*
- *Locating the light source away from adjoining properties or boundaries; and*
- *Directing light spill within the site.*

8. Relationship with Heritage Item

The subject site is located within proximity to Stewart House which is listed as a Local Heritage item under the provisions of Schedule 5 of WLEP 2011. Given the proximity of the site to this existing item, it is considered appropriate that clause 5.10 be exercised as follows:

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b).*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

A report by a qualified heritage consultant should consider the impacts in this respect.

9. Stormwater Design

The submitted stormwater design does not comply with Councils low level policy in that it seeks to drain to Loch Street. Given Council's consistent approach on this matter which 23 Loch Street have complied with under both DAs approved and the fact no information has been provided to demonstrate that a downstream easement can be achieved, the application should be refused on this basis as a satisfactory stormwater management outcome cannot be achieved.

10. Solar Access

The preservation of solar access to adjoining and adjacent properties is a requirement as stipulated under WDCP 2011 (D6) that states:

2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

The shadow diagrams submitted do not quantify in percentage terms the amount of solar access that 23 Loch Street will receive in mid-winter. This information must be provided to inform a proper assessment by Council.

11. Driveway Gradient and Swept Paths

Due to the steep slope of the driveway and insufficient area for turning and manoeuvring, the gradient and swept paths should be examined in detail to determine compliance with Councils requirements.

Conclusion

In summary, the proposal should not be supported for the following reasons:

- A. It is overbearing within the streetscape and does not align with the intended character for the locality;

- B. Height poles should be erected to enable a comprehensive understanding of the proposal by Council and the community;
- C. Privacy will be severely undermined for the residents of 23 Loch Street, Freshwater;
- D. The nominated existing ground level appears inaccurate which warrants close examination in terms of the overall accuracy of the plans and documentation submitted;
- E. A more skilful design could reduce the scale significantly and the non-compliances in terms of wall height and building envelope;
- F. Unsatisfactory stormwater management outcomes are proposed;
- G. The gradient of the driveway and turning paths should be assessed in greater detail to determine compliance;
- H. Due consideration of the adjoining heritage item has not been undertaken;
- I. Insufficient information has been provided to determine the solar access impacts on 23 Loch Street.

It is strongly recommended that the application be refused in its current form for the reasons stated above.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd

Enclosed:

- **Appendix 1 - Images Prepared by 23 Loch Street Architect**