
Sent: 19/08/2020 3:48:41 PM
Subject: 86 Quirk Street, Dee Why, DA2020/0838

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

19th August 2020

Dear General Manager,
RE: 86 Quirk Street, Dee Why, DA2020/0838
Demolition works and construction of a dwelling house including a secondary dwelling and swimming pool
(Submitted: 28/07/2020)

I wish to strongly object to this proposed development and take issue with the proposal on many levels including:

- non-compliance with the Council's DCP and LEP in both numerical requirements and failing to meet the objectives,
- the sheer size of the development which is not warranted or appropriate for the site,
- and the apparent disregard for local residents amenity (privacy, noise, visual impact of bulky building, open space, views) and the impact on the natural environment (huge excavation, filling, increase in hard surface and lack of open green space)

Council's own policy '*Strict compliance with the numerical requirements of the DCP does not guarantee development consent.*

The proposed development must also meet the objectives of the DCP.'

I note the applicant has a history of building and selling properties in the local area. He is clearly not interested in living in the house once completed as is evidenced by his total lack of empathy or compromise to meet the needs of his immediate neighbours.

I have additional specific concerns based on the following grounds:-

Based on the Warringah DCP 2011 A5 Objectives.

- To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood

- To ensure new development is a good neighbour, ...

Strict compliance with the numerical requirements of the DCP does not guarantee development consent.

The proposed development must also meet the objectives of the DCP.

1. Warringah DCP 2011 B1 Wall Heights.

Objectives

- To minimise the visual impact of development when viewed from adjoining properties
- To provide a reasonable sharing of views to and from public and private properties.
- To minimise the impact of development on adjoining or nearby properties.

Requirements

1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost

floor of the building

DA Plans

Walls exceed 7.2 metres on the northern end of the building **and are thus not compliant**

2. Warringah DCP 2011 B3 Side Boundary Envelope.

Objectives

- To ensure that development does not become visually dominant by virtue of its height and bulk.

Requirements

1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of:

5 metres as identified on the map.

DA Plans

The side boundary envelope cuts into the top floor at a wall height of 2m above the floor on the eastern side of the building and 2.2m on the western side **and thus the building is not compliant**. The upper floor needs to be moved in at least a meter on each side of the building to even come close to compliance.

3. Warringah DCP 2011 B5 Side Boundary Setbacks

Objectives

- To provide opportunities for deep soil landscape areas.
- To ensure that development does not become visually dominant.

Requirements

1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.

2. Side boundary setback areas are to be landscaped and **free of any above or below ground structures**, car parking or site facilities other than driveways and fences.

DA Plans

*** 0.9m applicable Quirk Street.**

The granny flat steps on the western side of the building appear to be right up to the boundary, no setback at all.

Certainly not “free from any above or below ground structures”. **This is not compliant.**

4. Warringah DCP 2011 C7 Excavation and Landfill

Objectives

- To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.

Requirements

2. Excavation and landfill works must not result in any adverse impact on adjoining land.

6. Where landfill is necessary, it is to be minimal and shall have no adverse effect on the visual and natural environment or adjoining and surrounding properties.

DA Plans

Raising the natural ground level over the whole site with the only exception being the area between Quirk Street and the front of the house is hardly no adverse impact. **This is not compliant**

****See DCP D9 Building Bulk below.****

5. Warringah DCP 2011 D1 Landscaped Open Space and Bushland Setting

Objectives

- 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.

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.**

DA Plans

The required minimum area of landscaped open space is 40% in Quirk Street.

The planter boxes on the roof of the granny flat may not have soil depth of 1m?

The planter boxes on the roof of the granny flat have a dimension of LESS than 2m so should be excluded. The western side of the from drive has garden area with a dimension of LESS than 2m so should not be included.

The planter boxes on the granny flat are not at ground level, so should be excluded FOR THIS REASON ALSO.

The actual Proposed Open Landscape Area is 252.9m² and represents 35% of the site area (not 40%)

It is not clear to me that an elevated pool should be regarded as a place to establish shrubs and trees as outlined in the Objectives! The development does not comply with the requirements.

5A. Warringah DCP 2011 D2 Private Open Space

Objectives

- To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.

Neighbouring properties (especially No. 84 and 88 Quirk St) private open space is greatly reduced as they are overlooked by the proposed development which towers above them. Visual and acoustic privacy for all neighbouring properties is greatly reduced. Large changes are required to the design of the proposed building to conserve private open space of neighbouring properties.

6. Warringah DCP 2011 D7 Views

Objectives

- To allow for the reasonable sharing of views.

Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in *Tenacity Consulting v*

Warringah Council (2004) NSWLEC 140.

DA Plans

Outrageously blocks the iconic view to Long Reef from No. 84 Quirk Street and No. 82 Quirk Street and likely neighbours further to the West

A full council assessment of the view impacts from the development is required. This will require the erection of height poles by a qualified person.

7. Warringah DCP 2011 D9 Building Bulk

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.

DA Plans

The fill depth is 1.610meters behind granny flat (see drawing no. DA3004) and 0.532meters at the main house (see drawing no. DA3000). This is not compliant

The fill depth under the building footprint is up to 1.259meters (see drawing no. DA3000). This exceeds the maximum allowable fill depth under the footprint of a building and this not compliant

The fill is not contained by the footprint of the building. This is not permitted

120square meters of fill area is outside the footprint of the building. This is not permitted and is not compliant

Excavation of the landform is certainly not minimised as the entire natural surface of the block excavated or covered with fill.

In addition:

8. The roof top pool right on the small rear setback will allow overlooking of the properties to the north of Bushey Place.

9. The increased use of Bushey place as vehicular access to the rear of Quirk Street properties will make Bushey place difficult to navigate as it is only wide enough to allow use by one vehicle at a time. It is also a squeeze for one vehicle to pass pedestrians.

10. Due the the lack of Open Space the possibility of ever having a beautiful large old tree like the fig at #84 Quirk Street is becoming near impossible.

11. Increased congestion in Bushey Place.

Already a boat is parked in front of the new granny flat in Bushey Place at the rear of #82 Quirk Street.

12. Building Cost.

There is no cost breakdown of the building provided. It seems highly unlikely the demolition, excavation and new construction could be achieved for the stated \$800,000.00. Verified figures should be provided by someone other than the applicant himself.

My estimates are as follows:-

https://homebuilding.cordell.com.au/index.php?c=survey&profile=40&show_report=1&pdf=1&next=1

Home Building Insurance Calculator

\$1,487,000

<https://www.aaarchitect.com.au/home-building-costing-calculator.html>

\$2,312,181.00

The importance of this figures lies in Council potentially accepting information that is false and akin to fraud and the assessment path for a DA differs, based on the cost of development. Independently verified building cost figures for this development, such as those above, indicate that this DA must be assessed by the Development Determination Panel as the value of development is over \$1m.

13. Solar access is greatly reduced by the proposed development to the pool and rear of house at no. 88 Quirk St and the value and amenity of this property will be negatively impacted.

I trust these points will be taken into consideration by the council planners.

Yours sincerely,
Walter Harris

7 Carew Street Dee Why.