
Sent: 28/06/2022 8:36:08 PM
Subject: Submission objecting to DA at 28 Goondari Road, Allambie Heights
Attachments: Objection 28 Goondari Road Allambie Heights.pdf;

CEO Northern Beaches Council
Attention Alex Keller

Please find attached a submission objecting to DA2022/0857 for a new dwelling at 28 Goondari Road Allambie Heights.

Please confirm receipt of this document by email.

Regards,

Anna Williams, Director
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The CEO
Northern Beaches Council
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Attn: Alexander.Keller@northernbeaches.nsw.gov.au

28th June 2022

Dear Sir,

RE: DA2022/0857 Demolition of an existing dwelling and construct new dwelling and swimming pool at 28 Goondari Road Allambie Heights

We are advising Daniel Gobeil and Caroline Slongo, the owners of No. 26 Goondari Road Allambie Heights. Thankyou for the opportunity to respond to this matter. Daniel and Caroline do not oppose the redevelopment of their neighbours property in general terms, however there are a number of aspects of the design which cause significant impact upon them.

We think the Council should request the applicant reconsider the proposal given these concerns and noting the extent to which the proposal is non-compliant with Council's planning policies. The departures from policy and the impacts upon No. 26 Goondari Road are outlined below.

Shadow Diagrams not available on website

We note that the plan set made available on Council's DA Tracking website does not include the shadow diagrams that are listed in the cover page. Could Council please make available this information at the earliest possible time. As No. 26 Goondari Road is on the southern side of the development site, it is likely that impacts will occur. We also think it is likely that elevational shadow diagrams will be required to properly analyse the impact and we ask that Council require this information if not already submitted.

Geotechnical Information

We are concerned that the information within the geotechnical report prepared by JK Geotechnics is not current. The report dated 5th May 2022 references plans dated 17th September 2021. The plans that the application relies on are dated variously in April and May 2022. It appears that there have been a significant amount of revisions in the intervening time. The plans that are the subject of the geotechnical report do not appear to be the current plans or a full set.

Additionally, we note that the JK Geotechnics plan titled "Borehole Location Plan" identifies an approximate location of the lower ground level that is quite different from the architectural plan. This plan is reproduced below, together with the corresponding architectural plan, Figures 1 and 2:



Figure 1: Lower ground floor outlined red JK Geotechnics

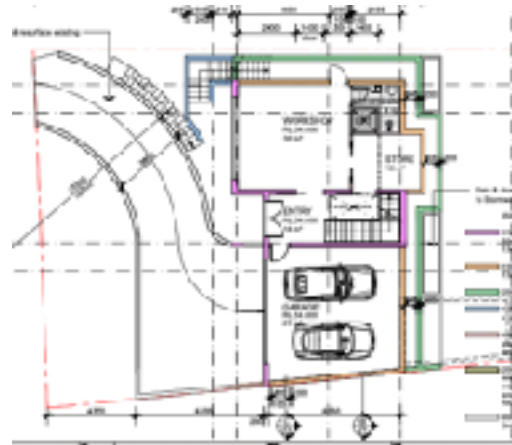


Figure 2: Lower ground floor on boundary Michael Fountain Architects

It appears the JK Geotechnics plan of the lower ground floor has been relied upon, as the report notes the following:

“... the only area of potential impact may be the south-eastern corner of the proposed lower ground floor where the excavation will extend up to the boundary, If the soils are deeper than expected, then the batters will encroach into the neighbouring property. The neighbouring area only appears to be a landscaped area and therefore the impact may be minimal.”

The geotechnical advice provided needs to be reconsidered, as it is not based on the current plan. The excavation (as proposed in the application plans) will extend a significant portion of the southern boundary, starting at the driveway and extending in excess of 15m to the eastern end of the pool. It is unacceptable that any batters or support extends onto the neighbouring property and no consent from the owners of No. 26 Goondari Road is provided for an application to do so.

Furthermore, the report notes that ‘No subsurface investigations were carried out as part of the assessment’. Given that soil depths have not been investigated, and their depth may result in batter encroachments onto the neighbouring property, we request that Council require such investigations to be carried out, and the geotechnical advice updated to document any findings, and provide advice based on these investigations as they relate to the current set of plans.

We maintain our position which is further elaborated on in this submission that the nil setback to the southern boundary is unacceptable.

Warringah DCP 2011

Control B5 Side boundary setbacks

The new dwelling proposed includes excavation and construction of a new driveway, garage, elevated patio and pool with zero setback to the southern boundary. This design has a significant and adverse impact on the structures and amenity of residents at No. 26 Goondari Road. The zero setback not only results in the presentation of an extensive wall to the neighbouring property, but also requires the removal of existing landscaping and canopy trees.

The proximity of the nil setback wall to the in ground pool at No. 26 Goondari is highly problematic. The existing historical encroachment of pool and drainage infrastructure of No. 26 Goondari Road has not been appropriately resolved in the application. The applicant appears to have ignored this circumstance which must be resolved before any approval for works is given. Further discussion of this issue is provided later in this document.

In relation to the guidance provided by the DCP with respect to side boundary setbacks, we note the following:

The proposed development does not comply with the 900mm required setback to the southern boundary. The DCP requires that:

- *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.*

The proposed garage and pool both breach this requirement and the design provides no opportunity for landscaping to the southern boundary in the front half of the site. Additionally, three mature trees are to be removed in the area that comprises the existing side setback.

The proposed design is inconsistent with the stated objectives of the control in the following ways, relevant to impacts upon 26 Goondari Road:

- *to provide opportunities for deep soil landscape areas.*

No areas of deep soil planting are made available in the front half of the site where the greatest level of interaction between neighbours is expected. Existing gardens and deep soil plantings including valued canopy plantings are removed and replaced with paved areas and a significant wall on the boundary.

- *To ensure that development does not become visually dominant.*

As viewed from No. 26 Goondari Road, the proposed dwelling will dominate the visual catchment. As the site occupies an elevated position above its southern neighbour, the additional scale of the dwelling and its orientation towards the south means that it will be visually overwhelming when viewed from the main private open space of No. 26 Goondari.

A visual representation of this can be appreciated from the southern elevation which shows the significant increase in scale of the new dwelling when compared to existing, and its absolute orientation towards No. 26 Goondari, with significant glazing proposed on the long southern elevation over 2 levels. This drawing is reproduced at Figure 3 below.

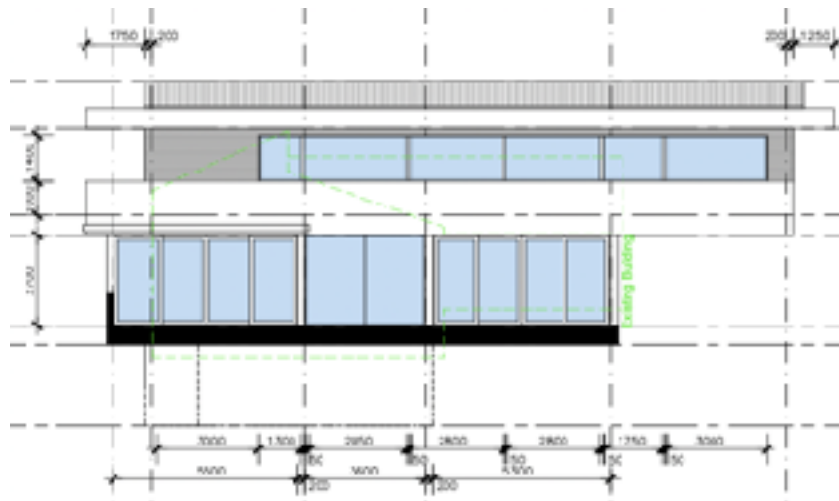


Figure 3: Southern elevation showing significant increase in scale of building compared to the existing dwelling (in green outline). **Michael Fountain Architects**

- *To ensure that the scale and bulk of buildings is minimised.*

The proposed dwelling and its excavated structures and patio occupy almost the whole of the width of the site at the lower ground and ground floors. The lack of setbacks on both northern and southern boundaries at these levels maximises the presentation of bulk to the street at these levels and provides no landscaped areas to soften the design as viewed from the street or No. 26 Goondari Road. The built and scale has not been minimised in this design.

Whilst the stairs and path adjacent to the northern boundary are considered acceptable variations to this requirement under the DCP, the nil setback on the southern side adjacent to 26 Goondari Road comprises above and below ground structures for approximately 75% of the length of the nil setback. The DCP expressly rejects these structures on a nil side setback. The resulting wall on the boundary of up to 3m in height adds significant and adverse impact to the already unacceptable scale of the building as it presents to No. 26 Goondari Road.

- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*

We note that shadow diagrams have not been made available on Council's DA tracking website and we remain concerned that our clients, being the southern neighbour to this proposed dwelling will be adversely affected. Once this information is made available, we will ascertain the impacts and may require a further opportunity to respond to this issue. Could you please confirm that this opportunity will be made available.

In relation to privacy and amenity, we think that the scale of the proposed development, its orientation to the side boundary, and in particular the lack of a side setback that would otherwise provide screening opportunities means that this design cannot be considered consistent with this objective.

Overall, the proposal is non-compliant numerically and with the performance provisions of Warringah DCP 2011 in relation to the provision of side setbacks.

Control D9 Building Bulk

Warringah DCP 2011 communicates strongly its requirements in relation to minimising building bulk, and has specific provisions to ensure the presentation of dwellings to downhill neighbours are properly managed through the design. We note the following, which are particularly relevant to No. 26 Goondari Road, and which are not observed by the proposed design:

Side and rear setbacks are to be progressively increased as wall height increases

The southern wall of the proposed garage and patio above (including the pool) will be on a nil boundary setback and will present to the main private open space of the southern neighbour. As the land falls towards the street, the setbacks have not been progressively increased, which results in this unacceptable bulk being presented to the southern neighbour.

Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.

No visual relief is provided to No. 26 Goondari Road from the extensive wall proposed on the southern boundary. No setback and therefore no landscaping, and no other mechanisms for visual relief are evident from the plans.

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.

We do not see how the proposed design meets any of these requirements. Bulk excavation is proposed across the full width of the site. The building footprint extends horizontally over this full width at the ground and lower ground levels. The stepping of the upper ground and ground floors occurs perpendicular to the natural contours the site, rather than along them. This results in a building of significant scale with an orientation to the side boundary, which in turn causes significant overlooking and visual bulk issues as viewed from No 26 Goondari Road.

Building height and scale needs to relate to topography and site conditions

The proposed design does not step with the fall of the land in an east to west direction. The significant excavation proposed means that the scale of the dwelling will appear as three storeys from the street. This is uncharacteristic of dwellings in the street and the visual impact that arises is likely to be jarring in the streetscape.

Oriente development to address the street

The primary views and orientation of the proposed dwelling is to the southern side of the site towards the primary open space area and across to the southern neighbour at No. 26 Goondari Road. This is evident in the floor plan of the ground level, which has the primary orientation of the family and lounge areas through the substantial glazing on the southern elevation. Four out of five bedrooms at the upper ground level also face the south, with extensive glazing also at this level.

We note that both the ground floor patio and upper ground level balcony predominantly face south towards No. 26 Goondari. We object to this orientation based on the visual bulk it presents and the privacy issues that arise.

Landscape plantings are to be provided to reduce the visual bulk of new building and works.

As outlined in the arborist report, substantial canopy trees have been removed and are proposed for removal on the site. This is needed because of the extensive excavation proposed to accommodate the garage level and patio above, all of which are located along the site boundary. As there is no scope for landscaping to be provided, the visual bulk of the new building cannot be sufficiently reduced. Clearly, the design cannot comply with the requirement.

Control E1 Preservation of Trees

Warringah DCP 2011 includes provisions relating to the preservation of trees. These provisions include the following objectives:

To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term; and,

To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.

In our view, the proposed design removes significant canopy trees to the front and side of the dwelling, which is an outcome inconsistent with these objectives. Furthermore, the design does not provide replanting opportunities as it seeks to replace current deep planting zones with excavated structure, and an elevated patio and pool area. Hedge planting proposed at the rear of the site is insufficient to compensate of the loss of canopy and vegetation at the interface of both the northern and southern neighbours, and also to contribute to the streetscape. This also results in a net loss of habitat on the site overall.

Control E6 Unique environmental features

The site and surrounding sites contain numerous rock outcrops and exposed sandstone. We are concerned about the extent of excavation and site disturbance proposed and the potential impact upon the natural landform. We ask Council to review the application in relation to the outcomes of this Control in the DCP.

Control D8 Privacy

Warringah DCP 2011 provides specific provisions to ensure high levels of acoustic and visual privacy. In particular:

Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties; and,

Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.

The proposed dwelling orientates its primary living spaces and majority of bedrooms towards the southern neighbour. The glazing on the southern elevation will overlook the primary open space of No. 26 Goondari Road.

Additionally, the DCP provisions include:

The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.

We note that the ground floor patio and extensive upper ground floor balcony face predominantly over the side boundary with commanding views of the private open space and pool area of No. 26 Goondari Road. We think this is clearly contrary to the DCP provisions.

Furthermore, some windows in the proposed dwelling are within 9m of windows in the master bedroom of No. 26 Goondari Road. As there is no ability to provide substantial landscaping along the front half of the southern boundary, there is no mitigation of the privacy impact that arises because of the southern orientation of this dwelling.

Again, the design appears contrary to the DCP provisions.

Encroachments of No. 26 Goondari Road onto the subject site

We are advised that there are parts of the pool and drainage infrastructure at No. 26 Goondari Road that currently encroach onto the south western corner of No. 28 Goondari Road. The owners of No. 26 Goondari Road have forwarded a separate submission that details comprehensively the historical encroachment, which dates back to prior to either party's ownership of their respective properties.

The proposed nil setback to the southern boundary results in significant impacts on the pool at No. 26 Goondari Road and in particular the plumbing and filter system associated with it. Whilst we have advised our clients that it would be appropriate to resolve the encroachment as soon as possible, it may not be able to occur in the immediate term. As such the issue of how to resolve the conflict between the encroaching infrastructure and the proposed nil setback design needs to be resolved.

We are advised that Daniel and Caroline are attempting to seek an agreed resolution to the problem with their neighbour at No. 28 Goondari Road, to no avail to date. We also note that the encroachment issue has not been addressed within the Statement Of Environmental Effects.

Notwithstanding this situation, we maintain that the appropriate planning outcome is to require a setback to the southern boundary for the reasons stated in this submission.

Overall, there are many issues that are unresolved and result in both policy breaches and impacts upon our clients' amenity. We ask that Council look carefully at these issues and seek amendments to the design to ensure a positive planning outcome is achieved.

We feel it is very important that the assessing officer visit the site at No. 26 Goondari Road to properly understand the difficult relationship between the site and the proposed dwelling.

Please contact us on 0418 622 598 or at anna@blackwattleplanning.com.au.

Regards,



Anna Williams,
Director

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