
Sent: 12/07/2023 11:06:19 AM
Subject: DA2023/0681 - Neighbour Submission OBO No. 21 Corkery Cres, ALLAMBIE HEIGHTS
Attachments: OBJ23-A2(PO) Corkery Cres 21_Final(sml).pdf;

Attn: Mr Nick KEELER

Dear Nick,

Thank you for the opportunity to submit a late planning submission concerning **DA2023/0681** at **No. 19 Corkery Crescent, ALLAMBIE HEIGHTS**.

Please find the attached objection prepared by iObject on behalf of my Clients, **Mr Larry and Mrs Lynette DELANEY**, principal owners of **No. 21 Corkery Crescent, ALLAMBIE HEIGHTS**, located adjacent to the north of the subject site.

Upon receipt, I kindly request an acknowledgment receipt of this submission, and likewise for any subsequent correspondence.

Finally, I look forward to discussing this matter with you if and when required, along with learning of any updates as the DA progresses through the assessment phase.

Sincerely,

Matthew Powell

BPlan (UNSW), RPIA (No. 79157)
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Level 3, 31 Alfred Street
SYDNEY NSW 2000

ACN: 660 623 692

Ref: OBJ23-A2(PO) Corkery Cres 21

12th July 2023

The General Manager
C/O: Mr Nick KEELER
Northern Beaches Council
PO Box 82
MANLY NSW 1655

RE: Principal Objection – DA2023/0681 at No. 19 Corkery Cres, ALLAMBIE HEIGHTS

Dear Nick,

Thank you for the opportunity to submit a planning submission concerning **DA2023/0681** at **No. 19 Corkery Crescent, ALLAMBIE HEIGHTS**. I note the DA proposes demolition works and construction of a dwelling house.

This planning submission has been prepared on behalf of my Clients, **Mr Larry and Mrs Lynette DELANEY**, principal owners of **No. 21 Corkery Crescent, ALLAMBIE HEIGHTS**, located adjacent to the north of the subject site.

Preliminary evaluation against relevant state and local planning controls found numerous issues that will likely lead to negative impacts upon our Clients' amenity. This formal objection thus provides detailed commentary based on the planning grounds, visual privacy and landscaping, and includes other concerns raised by our Clients.

Principal Objection per DA2023/0681

Submission Details

DA Address:	19 Corkery Crescent, ALLAMBIE HEIGHTS
DA Reference	DA2023/0681
Clients:	Mr Larry Ronald Delaney Mrs Lynette Myree Delaney Mr Mitchell James Delaney Mrs Gemma Louise Delaney (Co-owners of: No. 21 Corkery Crescent, ALLAMBIE HEIGHTS)
Stage	Principal Objection (Stage 2)
DA Description:	Demolition works and construction of a dwelling house.

1. Visual Privacy

Warringah DCP 2011 - D8 Privacy

Relevant Objectives of DCP Section D8 in relation to privacy state:

- *Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- *Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
- *The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
- *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.*

The location and extent of northern window(s) to the proposed kitchen/living area appear to pose unreasonable risks to neighbouring privacy at No. 21. The location and extent of Window W17 is likely to cause overlooking to the first-floor southern bedroom. The broad expanse of the clerestory opening may allow a person sitting or standing near the proposed new kitchen area (within nine (9) metres of the neighbouring dwelling) to view upwards into the adjacent window.

The limited information provided by the applicant also puts into question the exact privacy situation in relation to other windows. Thus, our Clients hold concern over potentially one or more of the ground floor family room windows (W14 or W15) allowing at least close views into No. 21's ground floor living room adjacent. Further investigation of the line of sight in question and possible privacy screening solutions are required to address both overlooking concerns.

The specific corner design of some of No. 21's side windows may also present cross-view overlooking impacts. Further assessment is therefore needed to confirm the existence or otherwise of potential negative amenity impacts in terms of overlooking.

Proposed Solutions:

- Detailed amended plans are required to ascertain the true extent of the privacy impact on No. 21.
- In relation to any northern windows (including W17) assessed as posing unnecessary overlooking to No. 21, either:
 - Delete, or
 - Replace with fixed translucent glass.



Figure 1: No. 21's first floor southern bedroom windows facing the subject site (Source: iObject 2023)



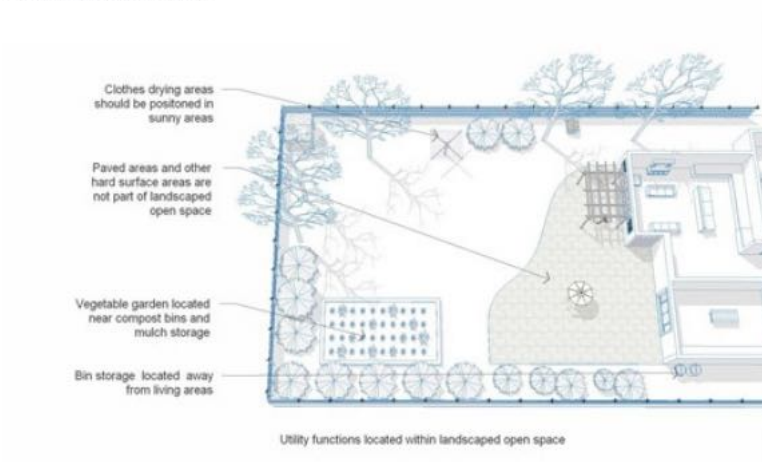
Figure 2: No. 21's first floor southern bedroom windows and ensuite entry (Source: iObject 2023)

2. Landscaping

Warringah DCP 2011 - D1 Landscaped Open Space and Bushland Setting

DCP Section D1 diagrams indicating the preferred siting and scale of vegetation for a typical low-density residential lot generally show large to medium-sized trees and shrubs in the front and rear setbacks, whilst small shrubs or NIL vegetation is indicated for side setbacks (see **Figure 3**). Photographic evidence of Corkery Crescent also underlines this preference, with the typical pattern of side boundary treatment apparent in the streetscape generally comprising of NIL or small-sized vegetation within side setbacks. As an example, **Figure 5** of the streetscape shows a preference towards locating medium to large-sized vegetation within either the front or rear building setbacks.

Landscaped open space



Landscaped open space in the rear setback

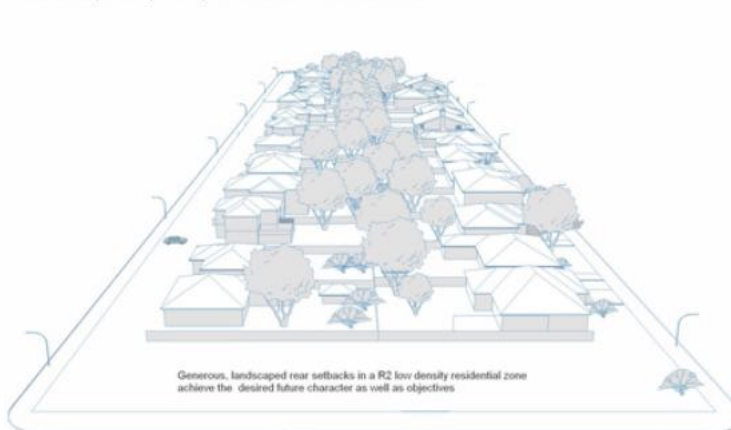


Figure 3: Excerpts from DCP Section D1 (Source: *Warringah DCP 2011*)

The proposed side boundary vegetation in contrast will contain a row of Magnolia Teddy Bear trees. Growing to a maximum height of three (3) metres and a diameter of 1.8-metres, this type of tree will likely block ambient light to habitable room windows of No. 21; impose an overbearing sense of enclosure; and require ongoing maintenance.

It is noted that the rear-most Magnolia has been sited within two (2) metres of the sewer, which may cause disruption to its proper functioning over time. Given this variety is known for its wide root system, the potential to cause lifting or damage to buildings elements or fencing is of concern.

The proposed side setback landscaping does not constitute small shrubs, and hence cannot comply with relevant DCP guidance, nor the predominant pattern within the streetscape. Given the possible harm these trees pose to property and local amenity, the Magnolia is thus considered inappropriate for the side setback.



Figure 4: View towards side fence line from ground floor master bedroom of No. 21 (Source: iObject 2023)



Figure 5: View across subject site of building-to-vegetation interplay from No. 21's first floor balcony (Source: iObject 2023)

Proposed Solution: That amended landscape plans be submitted showing small shrubs or NIL vegetation along the northern side setback.

3. Miscellaneous

Proposed Chimney Flue

DA plans indicate a chimney flue located on the northern side elevation. It is unclear whether this accompanies a gas or wood fireplace. Australian Standard AS/NAS2918 stipulates minimum requirements in the case of a new fireplace or wood heater. A flue in this case must be at least 4.6 meters in height from floor level and must be kept away from any windows or doors. The proposed flue however will be just within a few metres of No. 21's ground floor master bedroom windows, potentially leading to smoke inhalation by the neighbouring occupants.

Proposed Solution: It is requested that Council condition the chimney location and design (including flue) to meet the relevant Australian Standard.



Figure 6: Ground floor master bedroom of No. 21 and associated outlook across the subject site (Source: iObject 2023)

Proposed Front Deck

Concern is raised by our Clients regarding the bulk and scale of the proposed front deck, including in relation to its potential visual and acoustic privacy impacts on the front living/kitchen area of No. 21. To reduce visual intrusion within view of the streetscape from No. 21's first floor side windows and the streetscape, the following solutions have been requested by the Clients:

Proposed Solutions

- Reduce the overall height and bulk associated with the deck via:
 - Converting the proposed roof form to a flat roof, or –
 - Lowering of the structure to just above natural ground level.
- Additional northern side setback to the front deck, to match the southern side setback of No. 21's front verandah.

Other Comments

Our Clients also wish to emphasise the gravity of the privacy concern posed by the DA, with potential overlooking to both the ground floor and first floor southern bedrooms - meaning they will be unable to use these spaces without blinds drawn.

Typically, main living areas are sited to the rear of a dwelling, or occasionally in traditional architecture, to the front. This design practice can help to alleviate any flow-on amenity impacts to surrounding neighbours, when all dwellings are designing in a corresponding fashion.

The atypical layout proposed however by the applicant results in the principal living area sited to the side of the main dwelling, which is considered insensitive to the surrounding layout pattern. Being the main activity hub for the dwelling, the extensive living/lounge and kitchen area will likely generate noise in the direction of No. 21's bedrooms immediately adjacent, and/or deliver greater opportunity for overlooking.

Proposed Solution: That amended plans recalibrate the siting of the living room area in accordance with the above comments. Otherwise, revised plans should include chiefly fixed and translucent windows to the northern elevation of the living room.

Conclusion

Based on the above preliminary evaluation of **DA2023/0681** the proposal as it stands does not merit approval in my professional opinion. Noteworthy non-compliances occur that require addressing in relation to privacy and landscaping, as well as other concerns requiring careful consideration.

I look forward to having a discussion on the proposal's planning impacts when the time comes. For any questions in relation to this Principal Objection, please feel free to phone me on: 0431 141 707 or email: matthew@iobject.com.au.

Yours sincerely,



Matthew Powell

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