

24 January, 2025

Northern Beaches Council
PO Box 82
MANLY NSW 2095

E: council@northernbeaches.nsw.gov.au

Attention: Mr Dean Pattalis

**RE: Response to Request for Information DA2024/1376
7 Cooleena Road ELANORA HEIGHTS**

I refer to the above development application and in particular Council's letter (RFI) of 10 January, 2025, to which the following reply is provided:

1. Parrott v Kiama Council

The application is accompanied by concept plans which provide inter-alia an indicative site plan, isometric showing potential envelope, driveway and carparking opportunities. These plans provide sufficient information to enable the council to be satisfied that a new dwelling house can be reasonably constructed on the site in compliance with both the Pittwater LEP and DCP, whilst still ensuring reasonable amenity for both the occupants and neighbouring properties.

The site has an area of over 593m² which exceeds the minimum requirement under the LEP. The concepts are only but one of a myriad of possible design solutions for the site dependent on the future owner's specific design requirements. Reliance on fixing a footprint and envelope would obviate any necessity for future application of the DCP controls, as council is already pre-determining what an appropriate building for the site should be. In our opinion this should be deferred to a later stage where a future DA for a new dwelling house accompanied by detailed plans and supporting information can be assessed critically and relevantly.

It should be noted that *Parrott* was considered some 21 years ago and is somewhat outdated and irrelevant when noting that the Pittwater DCP provides its own detailed criterion for consideration of subdivision applications.

Further, the planning principle was established for circumstances where: *"the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them"*.

None of the above apply. The site is not unusual or unique, but rather, is a typical allotment having characteristics with which most of the Pittwater LGA is recognised.

In regard to the site and proposal by Roseth C in *Parrott*, it was deemed to be environmentally sensitive because of its extreme steepness. The Pittwater DCP defines a steep and inappropriate site as one which has a slope in steeper than 30%. Further unlike the *Parrott* example, all adjoining properties do not have open rear yards. As is evident on the aerials, similar lots with dwellings are situated immediately to the east at 3 and 5A Cooleena Road and 104A, 104B, and 104C Powderworks Road.

Finally, contrary to Council's interpretation, the *Parrott* planning principle did not conclude that concept architectural plans including floor, elevation and section plans should be provided in order to determine the suitability of the site for future development, but rather, stated that atleast an outline of a potential future house should be provided. The subject application provides substantially more information than just an outline.

2. PDCP B2.2 Subdivision – Site gradient

In order to clarify this aspect and address any apparent anomalies, the applicant has engaged a new surveyor to undertake the specific task of calculating the site gradient. The DCP requires the calculation to be undertaken by calculating the grade between the highest and lowest points of a site (it does not differentiate for battle-axe allotments by applying the criteria to the main body). In this case the highest point is at the street boundary which results in an overall grade of 27% which complies. However, in order to demonstrate and reinforce the reasonableness of the site from a practical perspective, grades were also assessed at various points along the main body of the rear lot including length ways along the eastern, central and western boundaries and diagonally, which confirmed that the site exhibits a site slope of less than 30%.

See attached plans prepared by *Robert Friend Surveys* dated 21 January, 2025.

3. PDCP C1.4 - Solar Access

The shadow diagrams have been simplified to show shadows cast from the existing dwelling house and proposed carport and retaining walls etc as well as shadows cast from the concept envelope on Lot 2. The shadow diagrams also account for topography and represent shadows cast at ground level.

Any future dwelling house on Lot 2 with its living area at the ground floor could have its primary orientation to the north with secondary openings to the east or west to maximise solar access and achieve atleast 3 hours sunlight.

4. PDCP C1.5 – Privacy

The design of any future dwelling house on Lot 2 will not be constrained by potential overlooking impacts from the existing dwelling house. In this regard, the living room windows of the existing dwelling are located some 11.26 metres from the propped common boundary, with the future dwelling being further setback. Such significant separation does not warrant any special design attention or mitigation measures (as it is more than 9 metres away) as per the DCP control at C1.5 which states:

Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).

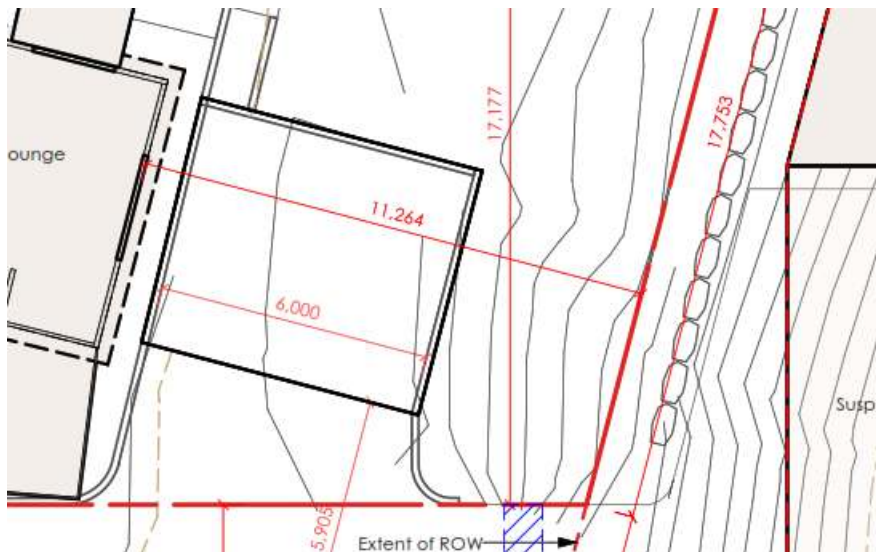


Fig 1: Extract of Site plan

5. PDCP C1.7 – Private Open Space

Dependant on the ultimate design of the future dwelling house, the entire open space is capable of being utilised as functional private open space to serve the needs of the occupants. This area can be accessed from ground level at the northeast of the concept envelope, or an entertainment/family room could be provided at the undercroft / lower level with direct access to the rear yard with potential for a swimming pool etc. Stairs would also most likely be provided from the living room to the lower-level rear yard.

Two areas are identified on the plans, however the likely dedicated “principal space” to be relied on for the purpose of this assessment is the NE corner where a 16m² terraced courtyard can be provided with minor contouring/levelling. A further option is a recessed courtyard/alfresco area in the northeast (ground or upper level) or northwest corner of the building (upper level) with minimum 2.4m dimensions. All of these options are regarded as acceptable solutions under C1.7 of the DCP.

Whilst 3 hours of sunlight can be achieved to the POS, the DCP advocates good solar orientation (which is achievable) and only requires access to some direct sunlight.

- *Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).*

Where the following constraints apply to a site, reasonable solar access to the main private open space and to windows to the principal living area will be assessed on a merit basis:

- *where the orientation or shape of a lot precludes northerly orientation (20° west to 30° east of north),*
- *where there is adverse slope or topography,*
- *where there is existing vegetation, obstruction, development or fences that overshadow,...*

6. Development Engineering referral

(a) Stormwater

The Deed of Settlement which was signed on 6 September 2021 has been registered at Land and Property Information – NSW. A copy of the document as registered on 3 July 2024 as Book 4826 No. 917 is attached.

(b) Subdivision

A draft subdivision plan prepared by Robert Friend surveyor is attached and uploaded to the planning portal.

(c) Geotechnical

An updated geotechnical engineers report and certified Form 1 & 1A in accordance with Geotechnical Risk Management Policy for Pittwater – 2009 has been prepared by *White Geotechnical* and uploaded to the Portal. This report also addresses some of the concerns raised by neighbours.

(d) Access

It is acknowledged and noted that a vehicular crossing in accordance with Council's standard Normal Low profile will be conditioned.

7. Traffic Engineering referral

(a) Parking for secondary dwelling

The existing building provided no additional parking for the secondary dwelling and was not required as part of its approval. The existing carparking situation comprises a single garage with the opportunity of second space to be parked in tandem in front of the garage. They are not separately accessible spaces and hence could not be utilised by the occupants of the secondary dwelling which are independent and unrelated persons.

The proposal on the other hand provides a significantly improved situation with the provision of a double width carport allowing for two separately accessible spaces that could in fact potentially be utilised by the residents of the secondary dwelling.

(b) Swept paths

See amended plans L06 Revision M.

The swept paths have been further detailed to show continuous movement swept paths, and have regard to door widths of the garage for lot 2 and without necessity for wheels to traverse the landscaped area for northmost vehicle of lot 2 with one corrective maneuver.

(c) Transitions

See Amended plans L07 and L08 Revision M.

The gradients have been adjusted to be compliant with AS2890.1 Clause 2.6.2 to provide a transition of no more than 5% crossing a property alignment. The amended driveway grade/section allows for ground clearance for a B85 vehicle without scraping.

I trust that the supporting information and responses now allows for a favourable recommendation.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Joe Vescio', with a stylized flourish at the end.

Joe Vescio

E: joe@jvurban.com.au

M: 0414 193399