
Sent: 2/04/2020 4:14:49 PM
Subject: RE: Submission regarding DA No. 2020/0227 for 12 Goodwin Rd, Newport
Attachments: Submission Letter 2020227 12 Goodwin Road .pdf;

Attention: Gareth David - Planner,

RE: Submission regarding DA No. 2020/0227 for 12 Goodwin Rd, Newport

Please see **attached** our submission letter put together by Particular Planning on our behalf Stephanie and James Mangleson, the owners of 14 Goodwin Road, Newport.

If you need to contact us please feel free to email us at this email address or call us on: James 0405 455 923, or Stephanie 0415 332 588.

Kind regards,

James and Stephanie Mangleson
14 Goodwin Road
Newport NSW 2106



Particular Planning

31 March 2020

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir,

Re: DA2020/227 – 12 Goodwin Road, Newport

In response to the proposed development, this submission is provided on behalf of 14 Goodwin Road, Newport with concern raised regarding amenity impacts from the proposal which are outlined within this letter. The concerns are as follows:

1. Swimming pool

The proposed swimming pool location is non-compliant with D10.8 Side and rear building lin. The variation provisions of the controls allow for a 1 metre minimum setback from the boundary to the pool coping. The proposed swimming pool is coping is setback 1300mm from the eastern side boundary, but the swimming pool concourse is sited within 500mm of the eastern boundary. The 1m setback is permitted on the basis of several provisions. The proposal as submitted does not satisfy these provisions for the following reasons:

- The 500mm setback from the concourse is not sufficient to accommodate landscaping. No landscaping is identified on plan and no species are nominated.
- The proposal references the boundary fence approved on the adjoining property at 14 Goodwin Road. No swimming pool fence is shown or notated along the eastern elevation of the pool.
- The setback combined with the topography of the sites, results in the swimming pool sited above the existing dwelling and front entrance resulting in an unacceptable amenity impact of visual privacy.
- The site is capable of accommodating a compliant setback by provision of reducing the size of the pool or its relocation.
- The proposal has not demonstrated the outcome

It is expected that the development if approved, would have a conditional requirement for compliance with the Swimming Pool Act 1992 and the requirements of AS1926.1-2007 Swimming Pool Safety. The proposal is however non compliant with C1.17 in that the drawings do not clearly show fencing that is compliant nor the required resuscitation chart.

2. Visual privacy

The adjoining property to the north, under DA2018/1064 has a double carport approved 1 metre from the shared boundary. The approved carport has finished level of RL62.680. The proposed swimming pool has a RL60.42. The carport aligns with the proposed location of the swimming pool. The approved fencing is relatively to nature ground and the south eastern corner of the carport would enable direct views to the proposed swimming pool location. The proposed setback of the swimming pool is not sufficient to accommodate landscaping to mitigate this and achieve compliance with the fencing requirements for swimming pools.

3. Acoustic Impact

The proposed filter box is located on the eastern side boundary. Concern is held regarding the acoustic and visual impact of the structure being 1.7m in height and appears to be located at RL 60.42 and will be sited above the fence line. The proximity to the boundary and neighbouring dwelling results in amenity impacts. The swimming pool filter should be off set from the shared boundary and conditioned to conditioned to not exceed 5dbA above background noise in accordance with C1.6 Acoustic Amenity.

4. Landscape area – Environmentally Sensitive Land

D10.13 Landscape Area requires a minimum 60% landscape area. The submitted calculation has made an assumption that the site accommodates 6% impervious landscape treatments and applied this variation. A calculation plan has not been submitted.

5. Fencing and Safety

The submitted plans do not demonstrate compliant fencing in accordance with Swimming Pool Act 1992 and the requirements of AS1926.1-2007 Swimming Pool Safety. Particular concern is held that the northern boundary appears to rely upon fencing approved pursuant to DA2018/1064. This is fencing approved on the adjoining property and not the subject site. The fencing must be provided within the subject site. Given the proposed location of the swimming pool, approved structures on the adjoining property further consideration of the required fencing should be undertaken at the assessment stage and not left to the Construction Certificate.

Concern is held that the proposal relies upon the existing boundary fencing. As shown in the photograph below, the boundary fencing contains a foothold from the neighbouring property. As required by the Regulations, when relying upon a boundary fence, a non compliant zone (NCZ) formed as a quadrant of 900mm is to be provided. Concern is held regarding the ability of children from the neighbouring property, being able to climb the fence and be within the swimming pool area.



6. Plan inconsistencies

The following concerns are raised regarding the level of information shown on the plans:

- The elevations as labelled on Drawing 2 of 2 are inconsistent with the north point shown on the site plan Drawing 1 of 2.
- The north point shown on the site plan is inconsistent with the submitted survey.
- The swimming pool concourse does not have a designed finished RL.
- Drawing 2 of 2 does not clearly identify the proposed and new retaining walls.
- The plans do not identify the extent of cut and fill proposed.
- The plans do not reference in elevation or section the adjoining properties.
- The site plan references a proposed garden does not provide any details of the landscaping. The landscaping is proposed south of the identified fencing line and within the swimming pool. Without further detail it cannot be concluded the proposed is compliant with the Swimming Pool Act.

- There is not elevation of the proposed privacy screen to the north of the stairs.

7. Construction conditions

As with the determination of DA2018/1064 the same conditional requirements relating to use of the rear lane should be included should the application be approved:

Use of Right of Way for Construction Vehicles

No construction or trade vehicles / machinery greater than 3 tonnes in weight are to use the Right of Way at any point during the demolition or construction of the development.

Further information and consideration of the proposed swimming pool location is necessary prior to determination. The fencing location is critical given the proximity to the shared boundary and the location of elevated approved structures on the adjoining property. Consideration should be given to further design consideration of the amenity afforded to the proposed swimming pool given the approved elevated carport and alignment with the proposed swimming pool location. The setbacks provided do not enable a compliant landscape solution in addition to the provision of required fencing.

Please contact the owners of 14 Goodwin Road, James and Stephanie on 0405 455 923 to attend the site and any correspondence should be provided to them.

Particular Planning Pty Ltd