
Sent: 1/02/2019 2:05:49 PM
Subject: Submission re: 42 Surf Road, Nth Curl Curl (DA2018/1932)
Attachments: 40 Surf Road, NORTH CURL CURL.pdf;

Attn: Maxwell Duncan

Please find attached a submission on behalf of the owners of 40 Surf Road, North Curl Curl in response to the DA lodged at 42 Surf Road (DA2018/1932)

Kind regards,
William Fleming
Planner



Town Planners

Telephone: (02) 9986 2535
Mobile: 0422 981 745
Email: william@bbfplanners.com.au

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30 January 2019

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

Attention: Maxwell Duncan (Development Assessment)

Dear Sir,

**DEVELOPMENT APPLICATION DA DA2018/1932
PROPOSED NEW DWELLING WITH SWIMMING POOL AT 42 SURF ROAD, NORTH CURL
CURL**

1.0 INTRODUCTION

I write on behalf of Mr & Mrs Seaver, the owners of 40 Surf Road, North Curl Curl. I have been engaged by Mr and Mrs Seaver to review Development Application (DA) (Ref DA2018/1932) proposing a new dwelling house. I visited my Client's property and have a clear understanding of their concerns in relation to the DA

My clients wish to formally object to the proposed development on the grounds:

- The proposal is a 3 storey dwelling and not a 2 storey dwelling with basement parking as described. It is reflective of its excessive bulk and scale, and non-compliance with wall height and building envelope.
- The proposal does not comply with front setback control.
- The application does not adequately justify for the significant non-compliant landscape area.
- The proposal detrimentally impacts on the privacy of 40 Surf Road and the amenity of their home.
- The proposal will unreasonable impact on the water views currently enjoyed by my Clients

For the reasons set out above, the Development Application should be refused by Council. The following sections outline my Clients concerns with the proposal in more detail.

2.0 BUILDING HEIGHT, WALL HEIGHT, SIDE BOUNDARY ENVELOPE, BUILDING BULK

40 Surf Road will be significantly impacted by the height of the proposed development.. The proposed wall height is non-compliant with the 7.2m DCP control. The non-compliant wall height coupled with the breaches to the side boundary envelope results in a dwelling that is of significant bulk and scale and creates an unreasonable visual impact.

While it is acknowledged that the height of the dwelling meets the 8.5m development standard the justifications for the non-compliance for wall height and the building envelope are unacceptable. The constraints of the undersized lot are not justification enough for the breaches to these controls. Also, in regard to building bulk, the Statement of Environmental Effects (SoEE) states:

The proposal provides for a two storey with basement level parking that is compatible with the existing surrounding development.

This is quite simply a lie. The proposal is a 3 storey development. In the SoEE, when describing the proposal, it says that the lower level comprises:

Carport, main entry, laundry, home theatre, bathroom, media room and two bedrooms.

Firstly, the lower level should be more accurately referred to as the ground floor. It is not simply basement level parking (it is also a garage, not a carport) and it is clearly misleading. This 'lower level' runs along the length of the dwelling. The SoEE also states that it is comparable with adjoining dwellings. Again this is misleading. The elevational drawings would indicate that No. 40 has a substantial building height when compared to the proposed development. What it fails to show is that the increased height is located at the rear of the site as it steps up with the topography. The whole of no. 40 is maximum 2 storey.

Furthermore, many dwellings along Surf Road are actually 2 storey with lower level garages which the SoEE is trying to pass off the proposed development as. The proposed dwelling is 3 storeys at any one point which is not consistent with development in the streetscape. The topography of the land slopes up to the rear with dwellings in the street responding to the topography. A wholly 3 storey dwelling is out of character for the locality and contributes to the non-compliance with wall height and building envelope.

The height of the dwelling will also detrimentally impact on the privacy of 40 Surf Road. This will be discussed further in this submission.

3.0 FRONT SETBACK

The proposed dwelling does not comply with the front setback control of 6.5m. A new dwelling should be able to be designed to comply with the front setback controls.

In this instance, the existing front setbacks of other dwellings in the area is not justification for the non-compliance as it will impact on the amenity of my Client. Furthermore, 40 Surf Road has undergone its own redevelopment recently and had the 6.5m front setback enforced. So in the context of the immediately surrounding development it is imperative that the proposed development comply with the front setback control.

4.0 PRIVACY

My Clients have significant concerns regarding the impact the proposed development will have on their privacy. The main concern is regarding the upper level and the unusual inclusion of part of the balcony that faces 40 Surf Road and captures no views. The images below show the primary living space and kitchen area of my Client's home which will be impacted by overlooking from the upper level of the proposed development.



Image 1: Private Outdoor Living area – adjacent to the boundary with 42 Surf Road



Image 2: Kitchen – with windows that open up to the private outdoor living area



Image 3: Living and Dining area looking towards the private outdoor living area.

The images show that the privacy of my Clients will be significantly impacted. The potential to overlook into these primary living areas is of great concern. It is also unclear as to why parts of the upper level balcony face 40 Surf Road where it won't capture any views and only increases the risk to privacy. It is also the third storey of the dwelling which it is considered to be unreasonable in the context of the streetscape and of single dwelling development in general in the area. The SoEE refers to the proposal as a two storey development in relation to its justifications regarding privacy which, again, reflects the attempt to mislead to consider the development as only 2 storeys.

5.0 LANDSCAPE AREA

The landscape area is significantly non-compliant with the control. Its justification is centred around the site being constrained due to its site area. The proposal calculates the landscaped area as 16% which is considered to be unacceptable.

While it is acknowledged that the site size limits the ability for strict compliance, the significant non-compliance is reflective of the over-development of the site and not solely due to the size of the lot.

The constraints of the site in relation to the planning controls seemingly did not come into consideration when designing the dwelling. The design clearly seeks to maximise its footprint and floorspace at the expense of landscape area. The constraints of the site, in relation to the planning controls, should be reflected in the design. However, the applicants believe that a 3 storey dwelling with a 16% landscape area is acceptable because it is an undersized lot. We fervently disagree.

Furthermore, the SoEE states as part of its justification:

If the proposed dwelling was provided on a standard 450m² allotment (which is the minimum allotment size in this locality) than the landscaped area (52m² + 129m² extra site landscaping) would comply with the 40% requirement.

I am unsure as to how this is a justification other than to say if the site was bigger it would be better able to comply with the landscape area? Well, of course but this isn't a 450m² site.

6.0 VIEWS

My Clients currently enjoy water views accessed from their master bedroom. An image of the view from the bedroom is provided below:



Image 4: View from Master Bedroom

There is concern that this view will be significantly impacted by the proposed development. The non-compliances with wall height, the significant bulk and scale, and the encroachment of the dwelling within the 6.5m front setback will result in these significant water views being obscured. The significant non-compliances make this impact unacceptable and unreasonable.

7.0 WASTE MANAGEMENT

The existing shack located on the site is quite old and will contain hazardous materials (asbestos). My Client's are concerned about the exposure to the hazardous materials during demolition. This is not covered in the waste management plan provided.

Also, the waste management plan describes the roof as metal when it is in fact very old "super 6" asbestos.

8.0 CONCLUSION

My Clients have known that the neighbouring dwelling would be redeveloped at some point however, what is being proposed is grossly unacceptable in the context of the site. Quite simply, a 321.9m² block of land is not fit for a 5 bedroom, 3 storey home with swimming pool. The applicants have made no attempt to design a modest home that is contextually appropriate for the site. Instead they have gone with an over-developed 3 storey home and justified solely on the basis that it is an undersized lot.

It is our position that the DA should be refused and that it be redesigned to be a more contextually appropriate for the site.

Kind regards,

William Fleming
BBF Planners