
Sent: 11/02/2020 6:22:28 AM
Subject: DA2020 0041 - submission by G Burton
Attachments: DA2020 0041 - submission by G Burton.docx;

Dear Mr. Kent Bull,

Please find attached my submission regarding the proposed development at 36 Allawah Avenue Elanora Heights (DA2020/0041).

We trust that the submission complies with Council requirements. If there are any issues with the attached can you please contact me on the attached email or Mobile 0407552572 prior to the close off date.

Can you please acknowledge receipt of the attached.

Kind regards

Grant Burton

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Grant Burton
184 Woorarra Avenue
NSW 2101 Elanora Heights

7 February 2020

Application Number: DA2020/0041
Address: Lot 214 DP 13643 36 Allawah Avenue ELANORA HEIGHTS
Description: Construction of secondary dwelling
Submission Close: 12 February 2020

Dear Mr. Kent Bull

Thank you for your letter of 23 January 2020 notifying us of the planned Development Application lodged by C E H Lonnen.

I would like to draw your attention to the following key issues/concerns following review of the documentation on Council's website:

1. Two very large Norfolk Pines are located to the rear of 36 Allawah Avenue; we are concerned that these may fall on our house. The information provided provides no guarantee that construction within the vicinity will not adversely affect the trees due to tree root damage. We are also concerned for future tenants who will be living directly under them.
2. An existing water course exists over the rear of the property where the proposed dwelling is to be constructed. There is no information contained in the DA that has dealt with this issue. Changes to the water course may cause significant damage to the properties of 184 and 182 Woorarra Avenue. The water course is visible during periods of heavy rain, there is an existing drainage channel and pipe at the rear of 184 Woorarra Avenue which receives an extensive amount of water during heavy rain.
3. The information provided has not identified that the natural ground level of 36 Allawah Avenue is some 1.2 metres higher than 184 Woorarra Avenue. As such this development will significantly impact the amenity of our property as discussed further below. This needs to be considered as part of any potential approval related to dwelling size and location.
4. Access to the rear of 36 Allawah Avenue is being used through an unofficial driveway which runs adjacent to the rear of our property. 36 Allawah Avenue is raised above ours and there is a significant safety risk of an uncontrolled vehicle movement. Any approvals must consider the significant risk to our family playing in the backyard and how this would be managed.

I will address each of the four key issues/concerns below relating them back to the submitted documentation where available.

Geotechnical requirements

No geotechnical report has been provided, noting that the site is located within a geotechnical hazard area. The site is also raised above 184 Woorarra Avenue. There is a significantly large sewer main in the vicinity of the rear of our property and has been documented on our house plans – this may run through the rear of 36 Allawah Avenue and whilst it may not require any management it may be worth noting.

Bushfire Assessment

Properties in this area are typically in a bushfire zone, however I could not locate any bushfire assessment, nor details on building requirements for compliance.

Watercourses

It is noted that Council has reviewed the site in relation to “all Development Application on land, and located within 40 metres of land, containing a watercourse” – refer to document *Natural Environment Referral Response – Riparian*. I would strongly recommend that Council reassess this response and undertake a site inspection with neighbours who can provide information demonstrating that a watercourse exists across the rear of 36 Allawah Avenue that drains into both 184 Woorarra Avenue and 182 Woorarra Avenue Elanora Heights. During periods of heavy rain significant ground water enters both properties and at times causes flooding. Any change to the natural path of the ground water is likely to increase flood risk and potential property damage.

Arboricultural Impact Assessment (inspection date: 6 December 2019)

Section 5.4.2 notes that the construction methodology is expected to ‘significantly reduce the impact to the trees’. We have genuine concerns that these large trees may fall on our property at 184 Woorarra Avenue without any construction works. From a risk perspective and given this is not an essential construction I would expect that the risk level during and after construction must be maintained or improved as a result of this work; demonstration of a So Far as Reasonable Practical (SFAIRP) assessment would be considered essential. I would also assume that a qualitative assessment such as the one provided by the arborist would be further reviewed via Councils own risk management framework using a quantitative assessment.

I also note that only generic architectural plans have been provided, are there detailed engineering plans demonstrating the approved methodology and structural loadings? Will Council independently assess these?

I refer to an incident in February 2013 at Allambie Heights where a Norfolk Pine destroyed a home. I would like to know who will take that safety accountability and provide ongoing assurance to the owners of 184 Woorarra Avenue that these trees will remain safe and there will be no adverse impacts from the proposed works. Refer to <https://www.smh.com.au/national/nsw/horizontal-heritage-tree-flattens-house-20130228-2f7vl.html>

Drawing: Notification Plan

We duly request that the South East Elevation plan showing a window overlooking the property at 184 Woorarra Avenue is relocated to the South West Elevation. It is reiterated that the natural ground height of the property at 36 Allawah Avenue is elevated over 1.2m above the property at 184 Woorarra Avenue and will significantly overlook the property and further reduce privacy, noting that the existing dwelling also overlooks our property.

We note that the building roof fall over a relative short distance is 800mm and the maximum height of the proposed dwelling is 3.67m. To maintain privacy we request that consideration is given to reduce both the overall height of the dwelling and the roof fall to maintain the privacy that currently exists. This could be easily accommodated whilst still maintaining compliance to the building code for ceiling heights of 2.4 metres. Adequate internal solar lighting could be achieved by the use of sky lights.

Of note there appears to be a contradiction of building height, on the site plans by calculating the ground and roof Reduced Level's it appears the proposed height is 3.67m, however the 'Statement of Environmental Effects' Report states a height of 4.4m (section 5.3 page 10), the roof pitch is also different. In keeping with our concern regarding privacy how will we be assured that the dwelling height is constructed as proposed? And minimised where practicable? What is the actual height?

We also note that all windows and doors face the adjoining properties, this seems to contradict the benefits of such a development to enhance the use of land and integrate with the existing home.

Vehicular access during construction

As mentioned the rear of the property can be accessed directly from the street and it is likely that all building materials will be delivered this way. As that the property is elevated greater than 1.2 metres above 184 Woorarra Avenue and there is a significant risk that an uncontrolled vehicle movement could result in a vehicle falling into our property (where our young children play) it is strongly recommended that if approved, a condition of approval is that all materials are to be brought in by hand.

Statement of Environmental Effects dated: 19 November 2019)

Landscaping (section 5.4)

The current site is predominately grassed, to improve the amenity of the site and improve privacy it is recommended that a landscaping plan is provided particularly along the southern boundary adjoining 184 Woorarra Avenue; appropriate trees to reduce the hard appearance of a dwelling overlooking our property would seem prudent.

Building Setbacks (section 5.5)

As the only property affected by direct overlooking is 184 Woorarra Avenue we request that the secondary side setback is reduced to the allowable distance of 1.0 metres to improve privacy by providing a setback to our property of 5.8 metres.

Variation of the proposal (section 5.6)

We also note the statement 'the proposal allowed a more significant side setback of 4.8 metres from Southern Boundary for better solar access of 184 Woorarra Avenue'. It is concerning that solar access to our property may be impacted without evidence of any formal assessment. This further strengthens the need to move the proposed dwelling closer to the North Boundary and reduce the overall height of the dwelling.

Vehicle Access and Parking (Section 5.7)

We note that a requirement of approval is the provision of an additional car space. From the information provided it is unclear if this will be on the property or in the street. There are two issues to note, firstly if the Council approves street parking then will it assess this application against the currently overloaded street parking in this and surrounding streets in Elanora Heights? Most streets are now reduced to single lanes due to street parking as a result of dual occupancy approvals. This is causing an increased safety risk for both motorists and pedestrians. On a daily basis children accessing the school and parents with prams need to use the road due to the lack of formed footpaths (noting that Council will not support building properly formed footpaths), this is a significant safety risk that should be addressed as part of a more strategic plan for dual occupancies in Elanora Heights.

If the requirement is for onsite parking, how will this be managed given details have not been provided? If onsite parking is to be provided, then due to significant safety concerns we would request

that the access through the existing garage to the rear of the property is structurally prohibited and noted as a condition of DA approval. It is unsafe to allow cars to traverse to the rear of the property given its elevated stature. From an environmental perspective we would also suggest that cars moving back and forth and idling within a few hundred millimetres of our backyard is completely unreasonable.

Privacy (section 5.8)

We have referred to the need to maintain privacy for 184 Woorarra Avenue extensively throughout this letter, we note that the privacy issues dealt with in this Report is inadequate and relates predominately to the existing and proposed dwelling on 36 Allawah Avenue.

In addition to the other issues noted above, it should be noted that the existing boundary fence between 184 Woorarra Avenue and 36 Allawah Avenue has been placed in our property in agreement with the previous owners.

It was placed in this location as a compromise due to the elevated nature of 36 Allawah Avenue, if an adequate fence was to be provided it would have needed to be setback approximately 200-300mm inside the boundary of 36 Allawah Avenue. As a result of this compromise the existing fence does not provide adequate privacy and this will be exacerbated with the introduction of a new dwelling. Consideration should be given to improving this situation as a result of the DA to maintain/improve privacy and not reduce it.

We note that throughout the documents provided it talks about compliance to Council requirements. Obtaining compliance means that you have met the minimum requirements, this does not mean that appropriate measures should not be developed and implemented to improve the overall outcomes. All developments should be seeking to achieve outcomes aligned to the needs of all stakeholders, in this instance we strongly feel that achievement of compliance has gotten in the way of achieving best outcomes for all. To that end we request that the Council take our significant concerns into consideration and assess in a way that meets the outcomes of all. We also recommend that Council takes to time to discuss the concerns personally with the neighbours to ensure they have received all of the information necessary to enable a decision to be made. We thank you in advance.

Yours sincerely,

Grant Burton