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**Sent:** 28/06/2022 5:04:42 PM

**Subject:** DA2022/0857 Demolition of an existing dwelling and construct new dwelling and swimming pool at 28 Goondari Road Allambie Heights

**Attachments:** Response to DA2022-0857 Submission.docx;

To the CEO, Northern Beaches Council  
Attn: Alexander Keller

Dear Sir,  
Please find attached my submission in relation to DA2022/0857.

Sincerely,  
Daniel Gobeil

## Response to DA2022/0857 Submission

To the CEO, Northern Beaches Council

Attn: Alexander Keller

Regarding: DA2022/0857

I am writing to you in regards to the DA submission, DA2022/0857 for '[Demolition works and construction of a dwelling house including swimming pool](#)' at no. 28 Goondari Rd, Allambie Heights.

My name is Daniel Gobeil and I am the property owner at no. 26 Goondari Rd, which is the neighbouring property to the south of no. 28. I would like to bring to your attention some areas of concern my wife Caroline Slongo and I have with the proposed development as it is currently presented.

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### Boundary Line vs. Fence Line

Our first area of concern is in relation to the existing fence not being in line with the actual property boundary line between no. 28 and no. 26 and the intention to build retaining walls and perform excavation directly on this boundary line.

We purchased no. 26 in 2013 and encroachments were noted in the contract of sale at this time. The fence line is straight, but appears to pivot at a mid-point on the boundary line resulting in a slice of land from no. 26 encroaching at the front of the 2 blocks, and a slice of land from no. 28 encroaching at the rear of the 2 blocks. It's not known exactly when this fence was constructed, but it was built prior to myself and the current owners at no. 28 (DA applicants) both purchasing our respective properties.

The fence line and boundary line being skewed is confirmed by the recent survey done for the DA proposal and shown in the *Plans\_-Master\_Set.pdf* included in the DA documents.

[Slide 6](#) – shows the encroachment area at the front of the blocks.

[Slide 23](#) – shows the encroachment area at the rear of the blocks.

The DA submission shows a minor encroachment from no. 26 over the boundary of a 'pool filter' and a 'timber wall', but the encroachment is more severe than what has been shown (refer slide 6 of *Plans\_-Master\_Set.pdf*).

**Issue #1** – While it appears that the concrete structure of the swimming pool at no. 26 is within the boundary of no. 26, the pool plumbing pipes that feed the pump and filter are underground and to the north of the swimming pool and pool equipment structure. This has not been shown in the DA submission. These pool plumbing pipes are approximately 300mm over the boundary to no. 28. The excavation as planned in the DA would result in the removal of these pool plumbing pipes and result in the loss of the swimming pool.

In addition to the plumbing pipes that feed the pump and filter, there are two additional plumbing pipes further to the east of the swimming pool buried in the rock garden bed to allow for future provision of solar heating on the roof of the house. One of these pipes extends the entire length of the boundary line from the corner of the house to the pool filter equipment shed.

Refer [Photo 1](#) in below appendix for pool pipe location in relation to the boundary line.

Refer [Photo 7](#) in below appendix for pool pipe location in the garden bed for solar heating.

**Issue #2** - The shape of the encroaching pool equipment structure as marked in the plan is not accurate as there is an entire side of the structure encroaching onto no. 28, not just a small corner as indicated in the DA submission. The dimension of the section of pool equipment structure that encroaches is roughly 250mm x 1800mm and the proposed construction would require demolition and rebuilding of the entire structure, including its concrete foundation. The construction of the proposed retaining wall directly on the boundary line, and the irregular shape of the remaining available land area on no. 26 side of the boundary line means there will not be sufficient space to rebuild the equipment structure in this location. This could result in loss of pool filtering capability, and mean the loss of the swimming pool altogether.

Refer [Photo 1](#) in below appendix for pool equipment structure location.

Refer [Photo 2](#) and [Photo 3](#) in below appendix for a view of the limited available space in location.

Refer [Photo 6](#) in below appendix for photos of the old pool equipment structure present on the site from pre-2013 (when we purchased no. 26 Goondari Rd) until 2016 when it was rebuilt to the current standing structure. The new structure takes up the same footprint as the previous structure, but placed on a concrete slab and elevated to protect from water damaging the wooden structure – as was the fate of the previous structure.

**Issue #3** – There has been an omission of pool heating equipment from the survey along-side the pool filter. Due to the irregular shape of the available area, the pool heater is located completely over the boundary line onto no. 28, but still within the fence line of no. 26.

Refer [Photo 1](#) in below appendix for pool heater location.

Refer [Photo 2](#) and [Photo 3](#) in below appendix for a view of the limited available space in location which resulted in the decision to place the heater where it is currently located.

**Issue #4** – There is substantial landscaping along the boundary line that has been omitted from the plans that would need to be demolished and removed. Slide 6 in the *Plans - Master Set.pdf* refers to a 'Timber Wall', but in actuality there is also stormwater guttering and a sandstone garden bed. The excavation and construction of retaining walls as planned in the DA would result in removal and loss of these entities.

Refer [Photo 4](#) and [Photo 5](#) in below appendix for detail of the entities that will be lost.

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## New Swimming Pool

Our second area of concern is regarding the placement of a new swimming pool.

**Issue #5** – The placement of the proposed swimming pool is directly on the boundary line with no. 26 and will result in the pool wall being approximately 1200mm away from the residence at no. 26. This causes several areas of concern including:

- Noise from pool use directly outside our master bedroom window
- There is no indication in the DA where the pool pump/filter will reside, but there is potential for excessive noise from the pool pump if it is placed next to the proposed swimming pool outside our master bedroom window

- Potential for water damage from the pool water (salt or chlorine) being splashed onto our house and windows from such a close proximity
- With the placement of the pool being directly on the boundary line, there is no proposed privacy screening (the top 200mm of the proposed pool structure to the south is a glass balustrade), nor is there opportunity for any privacy screening to be installed on either side of the boundary line resulting in direct views between the pool and our master bedroom window, as well as a direct eye view while walking along the side of the house at no. 26 due to elevation changes (see Issue 6 for more information).

**Issue #6** – Slide 19 in the *Plans\_-\_Master\_Set.pdf* show misleading elevations in relation to the boundary between no. 26 and no. 28. Elevation G shows a flat neighbouring ground line at elevation 56.720, but we actually have a sloping footpath on this side of our house. The elevation of 56.720 is only applicable to western half of the proposed swimming pool and from the halfway point the ground slopes upwards towards the east. It is estimated that at the eastern edge of the swimming pool water (not including the 900mm outcrop of retaining wall), the height of the retaining wall and the 200mm glass topper will only be 1700mm, resulting in an un-obstructed view line between the swimming pool and persons on the footpath which would be a privacy concern for both parties I imagine.

Refer [Slide 19](#) in below appendix for detail of Pool elevations, and an illustration of the estimated elevation of the sloping footpath.

**Issue #7** – There does not appear to be any stormwater control on the boundary line extending east from the swimming pool, or along the eastern face of the swimming pool itself. The swimming pool will act as a water barrier to any stormwater that is naturally flowing in a south westerly direction down the rock faces at the back of no. 28. This water will hit this eastern face of the swimming pool and be directed south towards our property.

The water flow is noted as being south westerly in section 4.3 of the Geotechnical report included in the DA submission, *Report\_-\_Geotechnical.pdf*.

“The hillside generally slopes down to the south-west and any groundwater flow would be expected to be in a similar direction.”

The Geotechnical report also suggests control of the surface run-off will be required *during and after* construction, but we have not seen any such allowance made on the southern boundary line.

“We also note that effective control of surface run-off will be required both during and after construction.”

This flow has potential to direct stormwater under the cement footpath along the north side of the house at no. 26 and against the brick foundation of the house which is resting on the sandstone bedrock. The recent heavy rains (Feb 2022) revealed that stormwater will cascade down the natural landscape of no. 28 in a south westerly direction and towards our house. During these heavy rains, we experienced flooding in the lower rooms of our house due to this water seeping through the sandstone. It is our fear that the placement of the proposed swimming pool would direct more water (that would have otherwise passed by the house) towards the foundation with the potential to cause increased internal flooding during periods of extended or heavy rain.

Refer [Slide 22](#) in below appendix with added illustration of predicted water flow.

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## Privacy

Our third area of concern is regarding the loss of privacy the proposal presents for our family both inside and outside our residence.

**Issue #8** – The main outdoor entertaining area proposed in the DA is located in an elevated position directly along the southern boundary line. With the construction being directly on the boundary line there is no available space on either side for any natural landscaping to be added to provide a level of privacy between this patio and the front premises of no. 26. With this elevated and un-obstructed viewing angle, the occupants of no. 28 will have direct views over the pool, alfresco dining area, and more concerning, directly into the 2 front bedrooms and lounge room of no. 26.

We feel that the proposal has unnecessarily focused the main outdoor entertaining area along the southern boundary line when this placement should be either front or back of the property allowing for privacy levels to be maintained along the southern boundary with no. 26. The current proposal removes all the existing privacy that is currently in place (landscaping and fencing) and is instead replacing it with an elevated and un-obstructed outlook over the entire front of the premises.

Refer [Photo 8](#) for a photo taken on the boundary line and at the elevation of the top of the balustrade (1.2m above patio floor) for the proposed patio – towards the house. Actual view of an adult (~1.8m tall) standing along the balustrade would be from a higher angle than shown.

Refer [Photo 9](#) for a photo taken on the boundary line and at the elevation of the top of the balustrade (1.2m above patio floor) for the proposed patio – towards the swimming pool. Actual view of an adult (~1.8m tall) standing along the balustrade would be from a higher angle than shown.

Refer [Photo 10](#) for a photo taken on the boundary line and at an elevation approx. 0.4m lower than the top of the balustrade for the proposed patio – towards the alfresco dining area. Actual view of an adult (~1.8m tall) standing along the balustrade would be from a significantly higher angle than shown.

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## Safety

Our fourth area of concern is regarding the safety of the proposed works both during and after construction.

**Issue #9** – There is a retaining wall planned along the edge of the new driveway on the southern boundary line that is going to be placed on top of an existing sandstone wall. The existing sandstone wall is approximately 600mm high and 120mm thick. This sandstone wall is constructed on top of the sandstone bedrock and is currently retaining the soil to support the tree above it. The structural integrity of the sandstone wall is not sufficient enough to support the weight of the retaining wall that is proposed to be placed on the edge of this sandstone wall and poses a risk of collapsing onto the driveway for number no. 26. This has the potential to happen under the weight of the new wall, and also as it is being used as a driveway, there is the possibility that impact from a vehicle could cause the wall to collapse down onto the driveway of no. 26.

In addition to the concerns relating to the stability of this retaining wall, we have concerns over the unbroken height of the resulting structure. The current height of the wall along the driveway at no. 26 where the new retaining wall is to be placed is at 2.6m. This height is measured at the midpoint of the wall, where the new retaining wall will be placed closest to the edge. There is no clear

indication of the height of the new retaining wall, but assuming it will be around 2.2m, this gives a total height of 4.8 meters of unbroken wall surface. This will have a negative impact on the street scape, as well as pose a series risk of injury should anyone or anything fall from this height.

Refer [Photo 2](#) in below appendix for detail of the existing sandstone wall

Refer [Slide 21](#) in below appendix for detail of proposed retaining wall location

Refer [Illustration 1](#) in below appendix showing the artists impression of the new driveway retaining wall and the resulting drop onto the driveway at no. 26.

**Issue #10** – The development is calling for excavation for a garage, construction of a new swimming pool and retaining walls directly on the boundary of no. 26 along the front half of the boundary extending from the midpoint of the residence at no. 26 to the front of the plot. This work would require security fencing to be placed on our side of the boundary line which would prevent access to the north side of the house (where electrical and gas services are located), as well as severely restrict access to the swimming pool.

**Issue #11** – The development is calling for the new garage wall and the balustrade for the ground floor patio area to be constructed right on the boundary line. With the elevation of the swimming pool at 55.80 and the top of the patio balustrade at 58.80, this will result in a 3m high wall face along the edge of the swimming pool. This poses a serious risk of someone or something falling directly into the swimming pool from a height, and would be a safety concern for the swimmers using the pool at no. 26.

Refer [Illustration 2](#) in below appending show artists impression of the new wall being placed on the boundary.

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## Conclusion

The intention of our response is not to block development at no. 28, but to request amendments be made to the proposal that result in:

- The proposed development at no. 28 does not come at the expense of the existing swimming pool and landscaping at no. 26. The current proposal could ultimately see the complete removal of the existing landscaping and swimming pool at no. 26.
- The proposed development at no. 28 reconsiders the placement of the new swimming pool so as not to introduce any privacy issues, or introduce potential to cause water damage to the house at no. 26.
- The proposed development at no. 28 providing increased levels of privacy between no. 26 and no. 28 relating to the entertaining area (patio) on the southwest corner. Amendments to the proposal should be made to relocate the entertaining areas or restrict the direct and unobstructed views this area would provide over the swimming pool area, alfresco dining area, and into bedrooms and lounge room of no. 26.
- The proposed development at no. 28 is amended to eliminate the safety concerns we've outlined relating to the building of several high walls and balustrades directly on the boundary line, both during and after construction.

Several of these concerns could be addressed by moving the new structures (garage, pool, elevated patio) back from the boundary line to allow for the existing landscaping and fencing to remain, as well as give opportunity for landscaping to be included at no. 28. Relocation of the main outdoor entertaining areas from the southern boundary to either the front or rear of the block is also an option.

In order to correct the encroachments (at both the front and back of the 2 lots), and help resolve some of the issues noted in this response, I will be contacting the applicants of the DA proposal at no. 28 to consider a boundary adjustment with the NSW Land Registry Service to have the boundaries of the two properties adjusted to match the existing fence line. Correcting the boundary line to match the existing fence line (and adjusting the DA proposal accordingly) will help alleviate issues #1 through #4. The remaining issues #5 through #11 relating to the new swimming pool, privacy, and safety concerns would still be applicable however.

Can I please ask for a site visit to appreciate the complex and limited space available, and the impacts the proposed development would have on the existing landscaping, swimming pool, privacy, safety and the residence itself at the adjoining property no. 26 Goondari Rd?

Sincerely,

Daniel Gobeil and Caroline Slongo



## Appendix

Photo 1 – Pool equipment structure, pool heater, and underground pool pipes.





Photo 2 – Pool equipment structure location – angle 1



Photo 3 – Pool equipment structure location – Angle 2





Photo 4 – Landscaping



Photo 5 – Stormwater guttering



Photo 6 – Old Pool Filter Equipment Shed





Photo 7 – Additional Pool Plumbing along Boundary Line for Provision of Solar Heating



Photo 8 – View from Proposed Patio towards the House at no. 26



Photo 9 – View from Proposed Patio towards the pool at no. 26

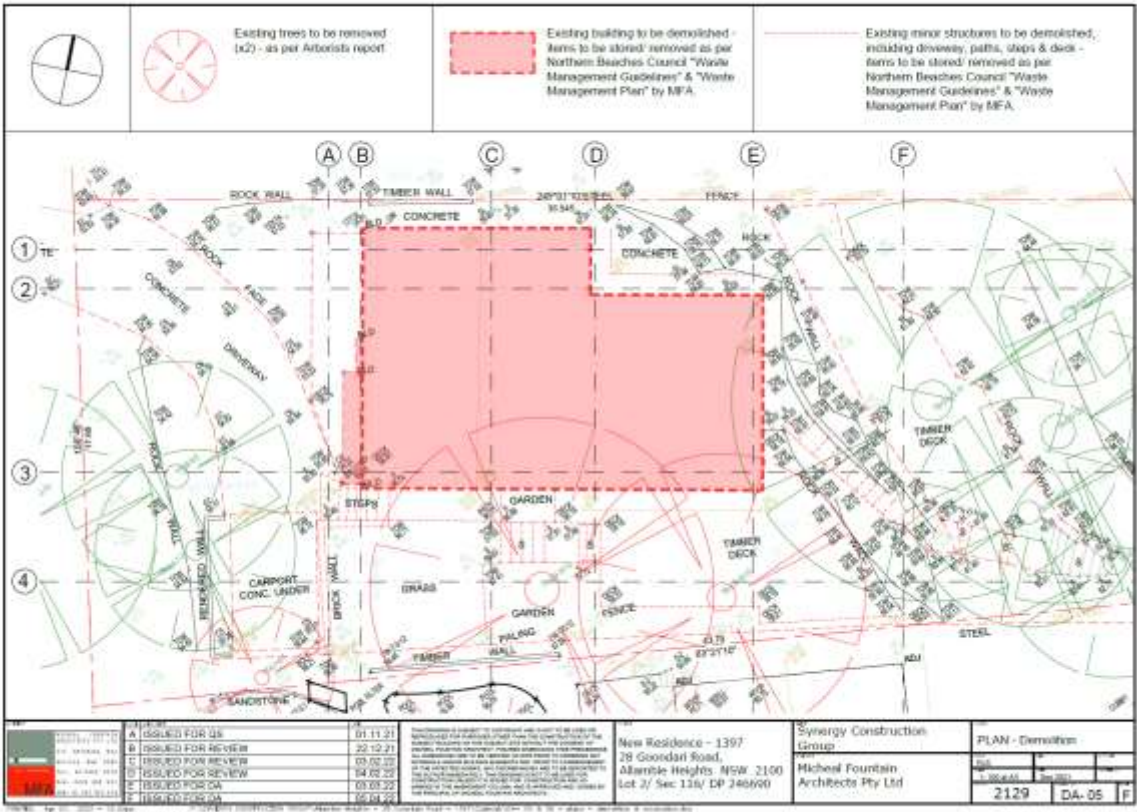


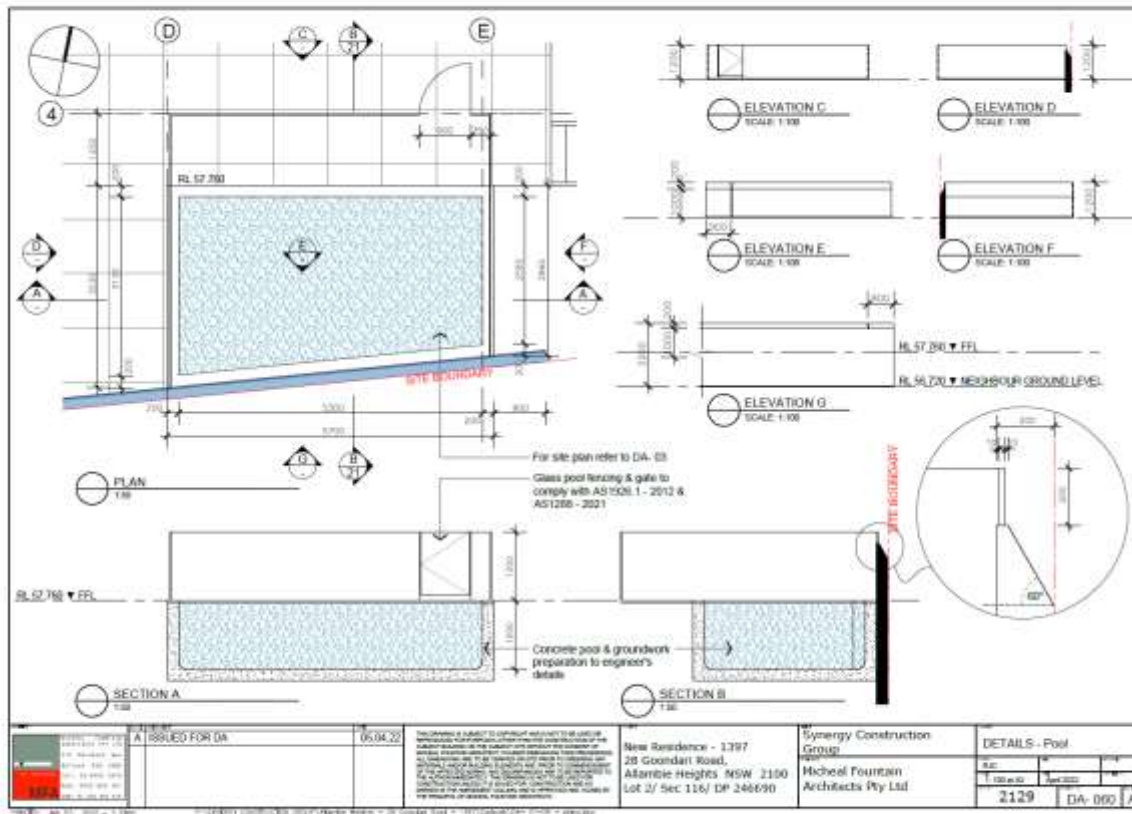


Photo 10 – View from the Proposed Patio towards the Alfresco Dining area at no. 26

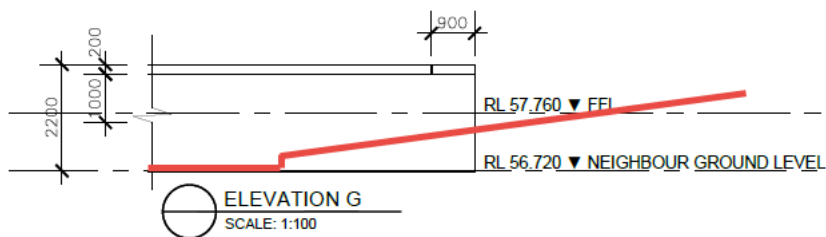


Slide 6 from Plans\_-\_Master\_Set.pdf





Enlarged view of Elevation G showing estimated slope of neighbouring footpath



Slide 21 from Plans\_-\_Master\_Set.pdf









Illustration 1 – Artists impression from Report\_  
\_Statement\_of\_Environmental\_Effects.pdf showing the drop height of the retaining  
wall above the driveway at no. 26.

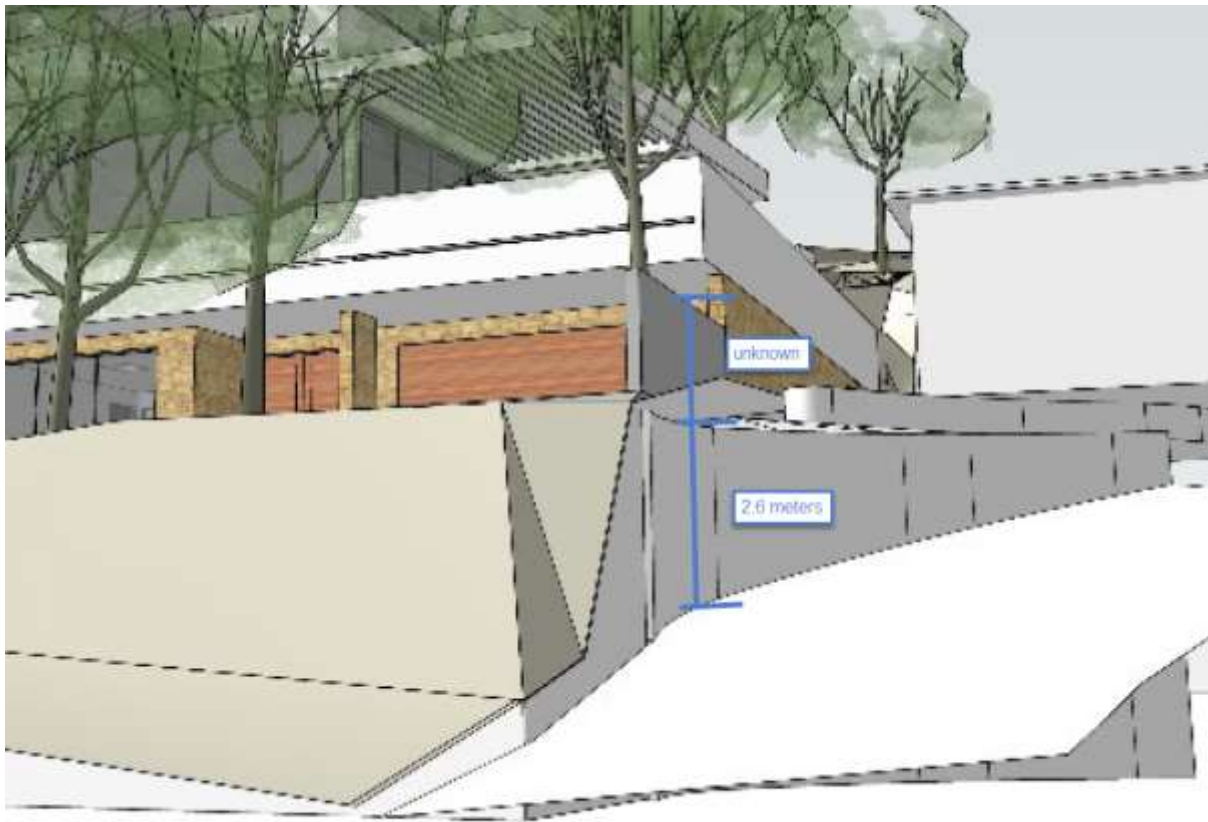




Illustration 2 – Artists impression of Garage and Patio Balustrade directly above swimming pool at no. 26.

