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Transmission/ Delivery Method:
Electronic & Hand Delivery
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Attn:
Ms. Angela Manahan
Planning Officer
Pittwater Council

Dear Ms Manahan ,

Re: Submission
Re: Amended DA No.:N0276/15 for 168A Barrenjoey Road, Newport 2106

Thank you for your time to discuss the details of the amended DA.

I hereby make a submission related to the amended DA N0276/15 for 168A Barrenjoey Road, Newport 2106.

A1: Proposed detached siting of the amenities within the front set back is in contravention with the following DCP clauses:

A1.1: Non-compliance with DCP Clause D 10.7 Controls:

- *Min front boundary setbacks (Residential zones) of 6.5m or established building line, whichever is greater.*

A1.2: Non-compliance with DCP Clause D 10.7 Variations:

- *Where car parking is to be provided on steeply sloping sites, reduced or nil setbacks for car parking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable.*

A1a) Non-Permissible Variation:

To my understanding, the proposed siting of the swimming pool within the minimum front boundary setbacks, is not a permissible variation under the DCP. The variation permitted by DCP Clause 10.7 only applies to the garage and not to any other structures.

I also note that the proposed proximity of the swimming pool will result in noise disturbance and affect our amenity, especially to the bedroom located at the rear of our property.

A1b) Grant of Variation for garage:

I acknowledge that the criteria of locating the parking structure behind the established building line, as per DCP clause D10.1 c) is not feasible due to lack of access to the back and restriction of building any structures in the backyard with E4 zoning.

Accordingly, it is justified to grant the permissible variation to approve the new garage construction in the front yard, however, even under the permissible variation, the development proposal is required to comply with the Outcome desired by the DCP and applicable controls to the degree possible.

The intent of the front boundary setbacks control is to achieve the desired Outcomes described in the DCP. Accordingly, whilst it is permissible to locate the garage near the boundary wall on steep sites, this variation should be applied in context of other criteria, and to the extent possible, meet the outcomes prescribed in the DCP.

A1c) Access for Future Maintenance of Boundary Retaining wall is impeded: Additionally, I note below, the practical reasons to set back the garage from the dividing retaining wall.

I request your note that the dividing boundary wall between the 168 and 168A is a retaining wall and the land is classified as Geotechnical Hazard H1. Historically, the existing retaining wall was substantially thick (330 mm) with equally substantial foundation. Additionally, to minimise hydrostatic pressure on the retaining structure, the soil behind the retaining wall was topped with 110 mm thick reinforced concrete slab at 300 mm below the finished ground level, to prevent water transuding below the finished ground level and exert hydrostatic pressure.

Despite the above measures, the wall developed cracks and bowing outwards.

Our historical consultations with Geotechnical and Structural Engineers indicated that the above issues were due to gradual landslip typical to Geotechnical Hazard H1. Whilst we have undertaken multiple remedial measures to minimise the destabilisation, as recommended by the engineers over the years, the key recommendation of bracing and anchoring the wall to prevent further destabilisation however, could not be undertaken due to the proximity of the garage adjacent to the boundary wall, preventing access for required machinery for the remedial measures. As a consequence further destabilisation occurred to the wall over the years, concluding with a recent Council emergency order for replacement.

A1d) Retaining Structure Design Criteria:

Whilst the new retaining structure is designed in consideration of the H1 hazard classification in the structural design, in consultation with Geotechnical engineers, it is based on the requirement of 10-year inspection and full-length replacement of the timber sleepers retaining the soil, at maximum 20-year period. Please find attached document Document A1- *Structural Eng. Design Criteria 20Yr replacement*, showing part drawing and specification for your review.

This means that not only the access is required to remove and replace the timber sleepers, but also upon removal of the timber sleepers, the retained soil will fall out and will need to be replaced subsequent to replacement of the timber sleepers.

Currently, in order to do similar works the builder has to dig all of the bottom backyard grounds of my property and remove and replace the soil, as there was no access from 168a. As mentioned above, the lack of access due to the existing garage structure, was the sole reason why we could not execute maintenance of the brick retaining wall, as recommended by the engineers previously, which could have avoided the current demolition, extensive excavation, tipping and wall reconstruction and again bringing the fill for refilling, at a significant expense.

Doing similar in future is impractical since there will be steel columns (in lieu of the current brick wall which could be demolished) preventing access to the bottom backyard. However, if at all it was possible, it is unacceptable that I have to incur significant additional cost due to access difficulties and soil removal and replacement as is the case currently, in addition to the inconvenience of having my backed dug out, every time and the cost to re-establish the garden.

I request your note that there is a 10 year inspection regime specified by the Structural Eng. Hence, there is a possibility that the timber sleeper may require replacement in 10 years or may require additional bracing/ anchoring etc., depending on the nature of the problem.

This essentially means that access to the retaining wall for maintenance and replacement of the retaining structure, from front yard of 168a side, is the only pragmatic, economic, least disruptive and sustainable way to minimise the cost, inconvenience and the extent of the soil replacement.

A1e) Summation:

- The siting of the swimming pool should be in accordance with the minimum front setback requirements;
- The siting of the garage should, as a minimum permit access and maneuvering of machinery for future unknown remedial or repair works and known replacement of sleepers and where possible provide maximum possible setback up to the minimum set back requirements.

B1: Proposed Development is in contravention with following DCP clauses with regards to its Scale, Bulk and Size:

B1.1: Non-compliance with DCP Clause D10.1 Controls:

- *The bulk and scale of buildings must be minimised.*
- *Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.*

B1.2: Non-compliance with DCP Clause D10.11 Outcomes:

- *The bulk and scale of the built form is minimised. (En, S)*

B1.3: Non-compliance with DCP Clause D10.12 and additional requirements of Environmentally sensitive classification:

- *Any alterations or additions to an existing dwelling shall provide a minimum 50% of the site area as landscaped area.*

• However, I understand that due to the Environmentally sensitive classification of the land, the permissible development and hardstand may not exceed 40% of the land area (Land area for this purpose, excludes the area of the Environmental Conservation E2 zoned land at the rear of the property.)

B1a) Excessive Scale and Bulk due to avoidable highly excessive Garage Ceiling height and Roof Pitch and Garage Size:

B1a.1) Excessive Garage Ceiling height:

I request your note that the ceiling height of the new garage is proposed at 2700 mm. This is highly excessive by any standards. Most habitable room height these days is 2400 mm! Australian Standards 2890.6, Clause 2.4 requires minimum 2200 mm garage ceiling height for accessible parking, which is based on rooftop mounted wheelchair for the tall cars and even the public car parks have an access height bar at 2200 mm, easily accommodating four wheel drives with roof racks.

B1a.2) Excessive Roof Pitch:

I request your note that the proposed roof pitch of 16.5 degrees is highly excessive. The minimum manufacturer recommended roof pitch for the proposed Colourbond custom orb is 5 degrees. The additional pitch to the extent of three times more than the manufacturer's minimum requirement is unwarranted, as the proposed roof does not even encompass habitable areas.

B1a.3) Excessive Garage Size:

I request your note that as per the Australian Standards AS2890.1, clause 6.5.3 A3.2, the minimum double garage internal size is 5400 mm wide x 5400 mm long. This allows for parking of large cars.

The proposed garage size of 6345 mm long (frontage as seen from public space) x 6390 mm wide, far exceeds the minimum requirement, specially, in light of its siting within the minimum front setback requirements and the below mentioned impact to the landscape area.

B1a.4) Excessive development area impacting on hardstand area:

Whilst the amended area calculations were not included in the public notification received by me, based on my extrapolation of the areas shown in previous DA submission Drawing: *Site Area Cover*, I estimate that the amended DA exceeds the requirement by minimum of 12.5 % additional hardstand than permitted under the DCP.

Accordingly, to my understanding, technically, the development does not fall under the permissible variation for allowing the construction of the swimming pool in its entirety, irrespective that the garage size is reduced to a minimum AS.

B1a.5) Impact:

The impact of the proposed built form bulk is exacerbated, due to avoidable highly excessive ceiling height, higher than required roof pitch and excessively larger garage size, resulting in an imposing and dominating bulk and scale. The excessive garage size adversely impacts the already excessive hardstand area.

Accordingly, I submit to the Council that whilst it is unavoidable to construct the garage in the front yard, demonstrable attempts should be made to minimise the bulk and scale of the structure and reasons for departures from the minimum requirements, be substantiated.

Depending on the amended location of the garage, I suggest that the garage frontage should be kept to a minimum and no wider than 5400 mm (internal), however, the depth of the garage may be allowed to be 6000 mm, allowing for desk or storage rack space, there by minimising the overall bulk of the proposed garage as viewed from the front and satisfy the intent of the Controls, yet, providing sufficient space for the proponent's parking and storage needs.

required landscape area criteria, in clear contravention with the DCP outcomes.

B1a.6) Summation:

- The garage frontage should not exceed 5400mm internally;
- The garage ceiling height should not exceed 2200mm;
- The garage roof pitch should be kept at 5 degrees;

C1: Extent of the proposed swimming pool excavation is in contravention with the following DCP clauses:

C1.1: Non-compliance with DCP Clause D10.16 Outcomes:

- *To protect and minimise disturbance to natural landforms.*

In addition to the aforementioned contravention A1a) and B1a.4), the in-ground swimming pool requires excavation in excess of 45 CuM. This can be minimised by locating the pool adjacent to the house where the current land profile will require much less excavation and cut and fill.

I understand that, by precedence the adjacent property swimming pool is within the E4 zone, the swimming pool location behind the established building line is not preferred by the Council due to the restriction of building any structures in the backyard with E4 zoning.

C1a) Summation:

- The swimming pool should be located in front of, adjacent to the house;

Submission: In summarising this submission below, I submit and request to the Council that:

- *The swimming pool should be sited in accordance with the minimum front setback requirements;*
- *The siting of the garage should, as a minimum permit access and maneuvering of machinery for future unknown remedial or repair works and known replacement of sleepers.*
- *The siting of the garage should not hinder views to the coveted Bungan beach and the Ocean in the view corridor afforded to us from the north bedroom, by the setbacks between 168a and 166 Barrenjoey Road, Newport.*
- *The amended DA approval be conditional to providing and maintaining unimpeded (including landscaping other than lawn) level access to a minimum of 3M width from the face of the boundary wall;*
- *Whilst I have not been provided with the landscaping drawings for the amended DA, I reiterate my previous submission, that proposed landscaping should not hinder views to the coveted Bungan beach and the Ocean upon maturity.*

This submission is made with sincere goodwill towards our neighbour to facilitate their development desires and enjoy their amenities with minimal possible adverse impact to neighbour's and the local resident's amenities.

The development proposal needs to demonstrate diligent adherence to the balance Controls, as pointed out herein and in the past submissions. Whilst granting part variation to DCP 10.1 control, specifically, the requirement of locating parking structures behind the building line is fully justified. However permissibility of such variations are subject to achieving the outcomes of the DCP controls, that is demonstrably lacking in the ongoing DA proposals.

I request that the amended DA submission include an assessment of any view loss, supported by a clearly documented 3D modeling and/or photographic comparative view analysis from adjoining properties and public viewing points of proposed built form and matured landscaping to demonstrate maintenance of the views.

I thank the Council for its co-operation and generous allocation of time for consultations regarding the DA.

I am confident that the Council will diligently review and substantiate justification for any transgression from the applicable controls and the desired outcomes, in the amended Development Applications without prejudice to either parties.

Sincerely,



Nishith Parikh

Attached [Document: A1-Structural Eng Design Criteria 20Yr replacement](#)

Part Drawing and Specifications of the East Retaining Wall

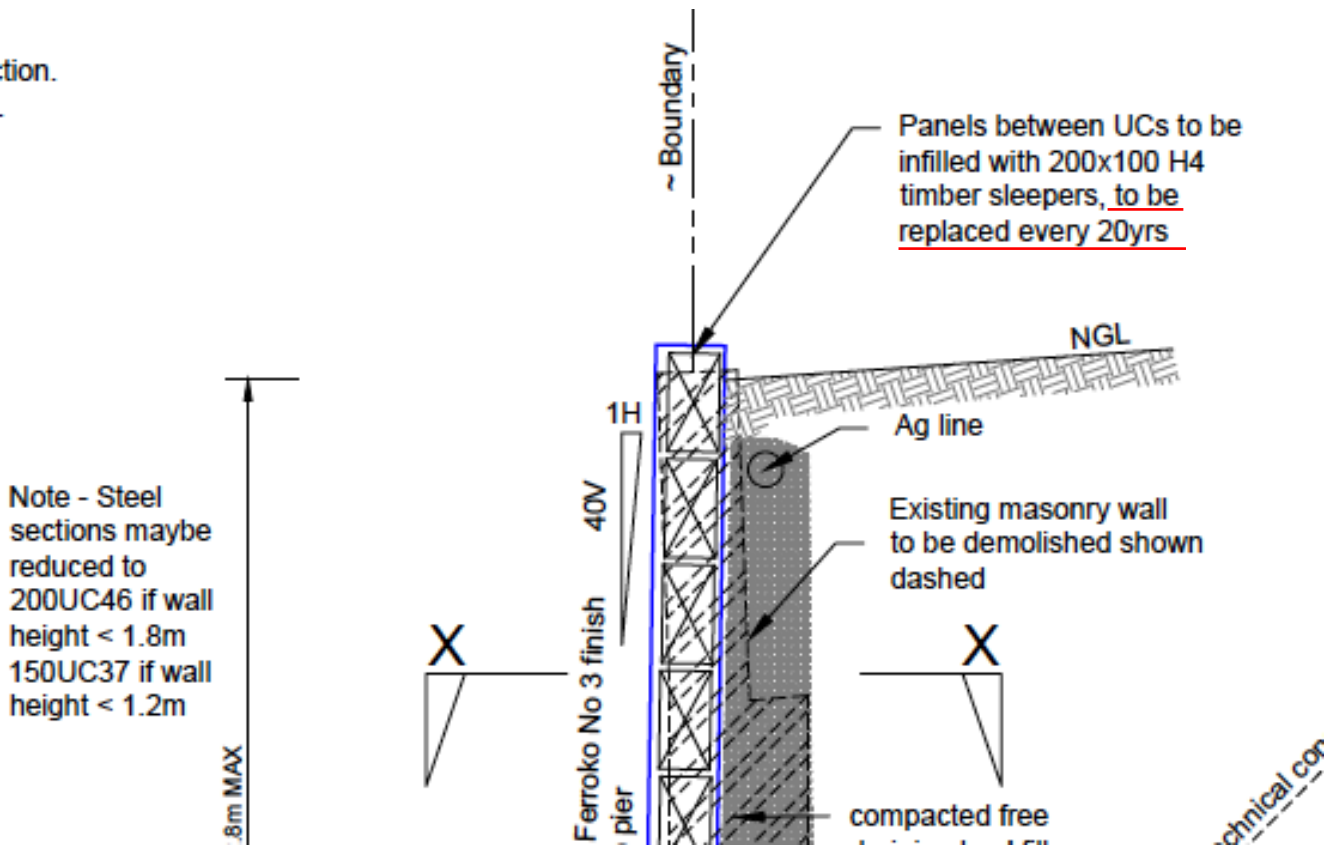
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Drawing No: 1.0

By

Barrenjoey Consulting Eng. Pty. Ltd.

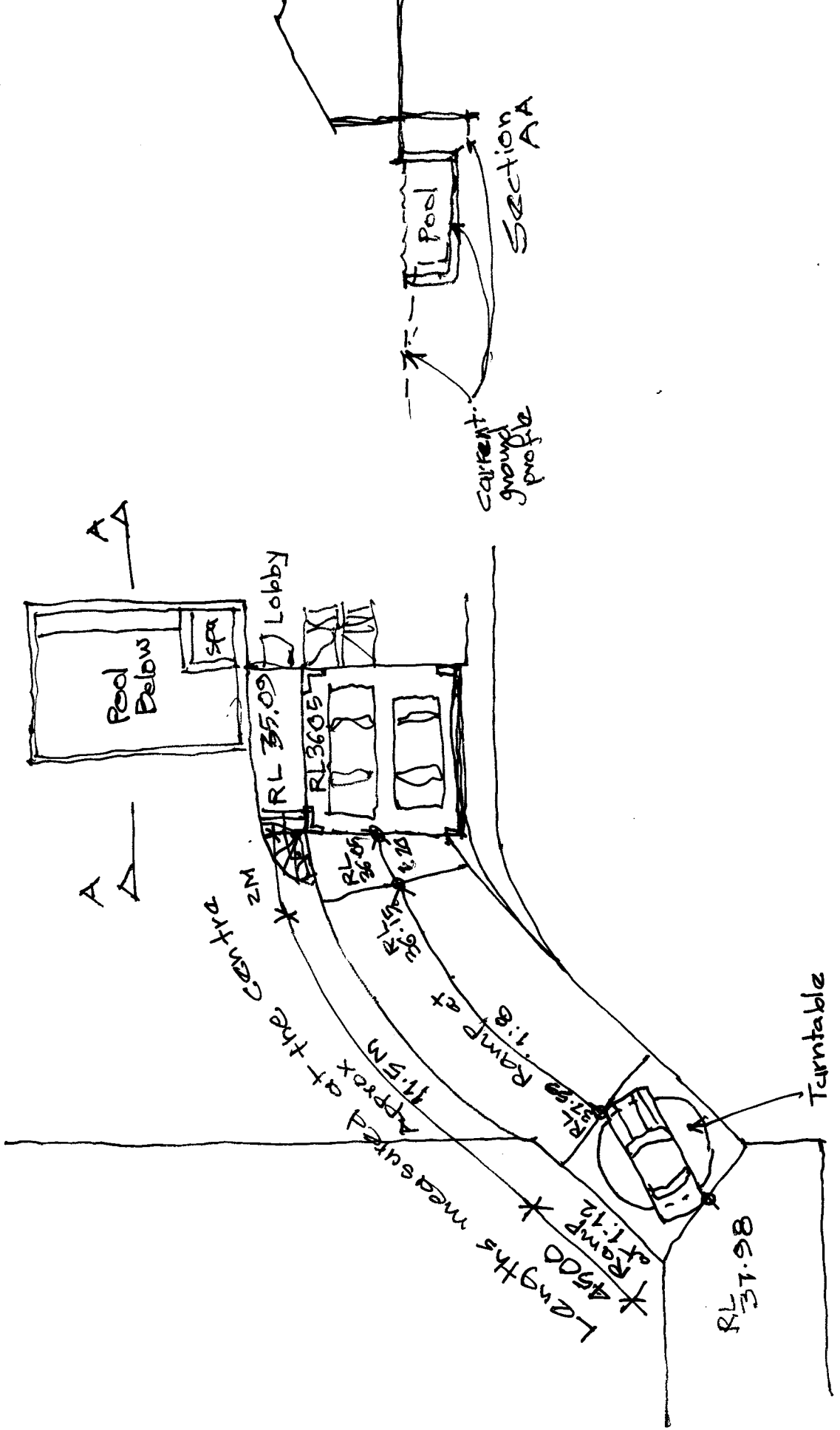
tion.



Specification:

DESIGN LIFE OF THE STRUCTURE

Clause D1 - The Design Life of the steel / concrete / timber elements detailed within this plan and relevant to slope stability are to that required by Pittwater Councils Interim Risk Management Policy and incorporate additional concrete strength and steel thickness/protection. The structure is to be inspected and reviewed by a qualified engineer every 10yrs, with the view to replace the timbers sleepers every 20yrs.



AA

AA

current ground profile

Section AA

Lobby

Pool Below

2M

Lengths measured at the centre approx 47.5M

RAMP at 1:8

RL 37.50

* RAMP at 1:12

* 45.00

Turntable

RL 37.98