
Sent: 9/09/2019 12:50:08 PM
Subject: submission re DA2019/0884 - 51 Redman Road
Attachments: Submission re DA2019 0884 51 Redman Road.pdf;

Due to the lack of ability to incorporate image and diagrams into the online DA submissions webform, and the lack of ability to add attachments, I am emailing my submission to Council. Please ensure that this submission is directed to the appropriate officer as a matter of urgency.

Kind regards,
Robin Anderson

To the Assessing Officer Northern Beaches Council

Re: DA 2019/0884 51 Redman Road Dee Why

I am writing to you, as a resident of the adjoining property at 53 Redman Road Dee Why, to request that development application DA 2019/0884, as submitted, be refused on the grounds that the development does not comply with key objectives of both the Warringah Local Environmental Plan 2011 (WLEP) and the Warringah Development Control Plan 2011 (WDCP). This lack of compliance will result in a number of significant impacts to myself and my neighbours.

Non-Compliance with Objectives of relevant Northern Beaches Council Planning Controls

As will be demonstrated below, it is considered that due to the siting of the main 2 storey dwelling to the rear of the block, rather than at the front of the block which would be consistent with other neighbouring single dwelling properties to the east, the proposed development imposes a significant impact on a number of adjoining properties, and thus fails to meet the aim of the WLEP as stated at 1.2(2)(d) *“in relation to residential development, to:*

- (i) protect and enhance the residential use and amenity of existing residential environments, and*
- (ii) promote development that is compatible with neighbouring development in terms of bulk, scale and appearance”.*

Furthermore, while the proposed development may meet the numerical requirements of the WLEP and the WDCP, section A6 of the WDCP clearly states that *“Strict compliance with the numerical requirements of the DCP does not guarantee development consent. The **proposed development must also meet the objectives of the DCP**”*. In this regard, it first fails to meet the general objective stated at A5 *“To ensure new development is a good neighbour”* in that there has clearly been no proper consideration given to the significant impact on adjoining properties through further failing to meet the following objectives and requirements of the WDCP:

B1 Wall Heights

- To minimise the visual impact of development when viewed from adjoining properties.*
- To provide a reasonable sharing of views to and from public and private properties.*
- To minimise the impact of development on adjoining or nearby properties.*

B2 Number of Storeys

- To minimise the visual impact of development when viewed from adjoining properties.*
- To provide equitable sharing of views to and from public and private properties.*
- To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.*

B3 Side Boundary Envelope

- To ensure that development does not become visually dominant by virtue of its height and bulk.*
- To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*

B5 Side Boundary Setbacks

- To ensure that development does not become visually dominant.
- To ensure that the scale and bulk of buildings is minimised.
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- To provide reasonable sharing of views to and from public and private properties.

B7 Front Boundary Setbacks

- To maintain the visual continuity and pattern of buildings and landscape elements.
- To achieve reasonable view sharing.

B9 Rear Boundary Setbacks

- To preserve the amenity of adjacent land, particularly relating to privacy between buildings.
- To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.
- To provide opportunities to maintain privacy between dwellings.

D2 Private Open Space

- To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.
- To ensure that private open space receives sufficient solar access and privacy.

D6 Access to Sunlight

- To ensure that reasonable access to sunlight is maintained.

Requirements

2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

D7 Views

- To allow for the reasonable sharing of views.

Requirements

1. Development shall provide for the reasonable sharing of views.

D8 Privacy

- To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.

Requirements

1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.

4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.

D9 Building Bulk

- To minimise the visual impact of development when viewed from adjoining properties.

The following section details how, in failing to meet the above objectives of the WDCP, the proposed development clearly contravenes the objectives of WLEP Principal Development Standard 4.3(1):

“(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,” and

“(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access”.

Demonstration of Contravention of WLEP Principal Development Standard 4.3(1) and associated WDCP Objectives resulting in Significant Impacts upon adjoining properties

“(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development” (WDCP Objectives B7 & B9: To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.)

As is clearly demonstrated by the aerial photo in Figure 1 below, the existing pattern of buildings, rear gardens and landscape elements on the northern side of Redman Road, including and extending east from 51 Redman Road, consists of long lots containing a single 1-2 storey dwelling located within the front half of the block with the rear half of the block supporting extensive open gardens/landscaping. The proposed development places the main 2 storey dwelling directly in line with the corridor of open space in opposition to the existing pattern, and directly in front of the rear portion of the unit block located at 53 Redman Road thus significantly impacting, and in some cases completely obliterating the current visual amenity afforded to those residents.



Figure 1: Google Maps aerial photo of existing development demonstrating landscape pattern

“(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access”.

Visual impact (WDCP Objectives B1, B2, B3, B5 & D9)

The development as proposed places the 2 storey main dwelling directly to the east and parallel to the northern end of the 3 storey unit block at 53 Redman Road, extending approximately 4.7m further north and 1.4m south from the boundaries of the 3 northernmost units. As the living areas (dominated by feature windows measuring 3000x1400mm in the lounge area and 2000x1400mm in the kitchen) and balconies (private open space) of the units are located to the east, this places the main dwelling in direct line of sight for these units.

Given the height of the main dwelling, this is a particularly significant impact for Unit 4 (Level 1) and Unit 8 (Level 2). As demonstrated in Figure 2 below, by extrapolating the levels supplied in the site plan on Sheet A03 of the supplied plans and superimposing the window locations of these units (in red) onto Side Elevation 2 (which faces 53 Redman Road) on Sheet A11, the side of the main dwelling will not only dominate, but will in fact encompass the entire view available.

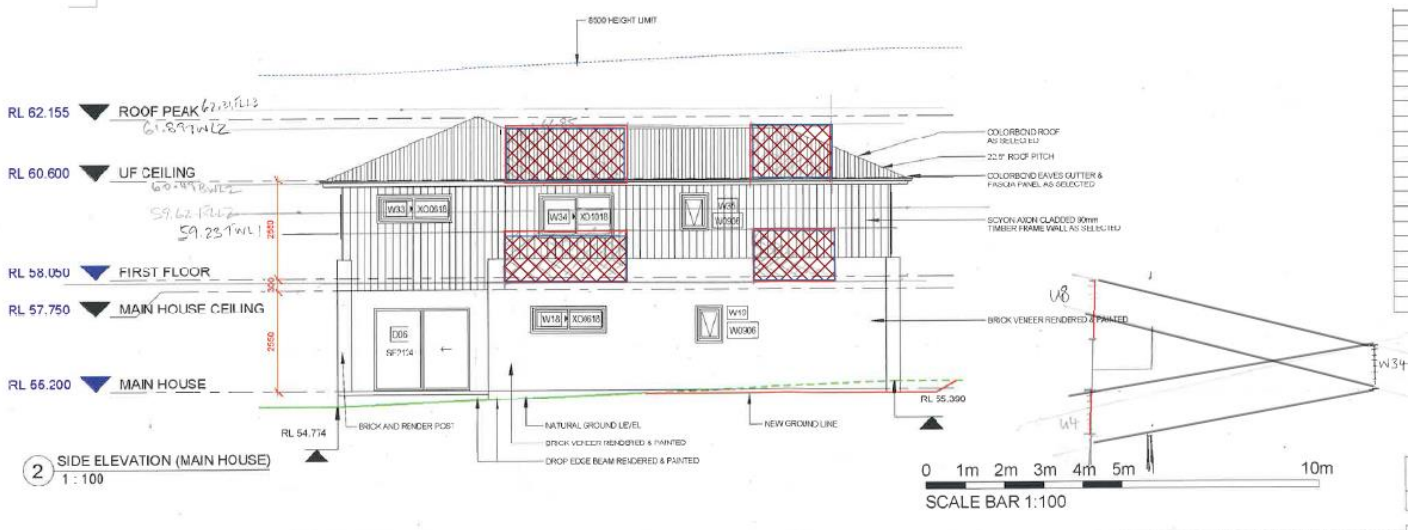


Figure 2: Window locations of Units 4 (L1) and 8 (L2) in relation to bulk of main dwelling

This visual impact can be completely eliminated by relocation of the 2 storey main dwelling to the front of the block, as is consistent with the local neighbourhood character, where the main bulk of the development will then be located in front of garages only.

Disruption of Views (WDCP Objectives B1, B2, B5, B7 & D7)

Adding further insult to injury, in addition to the significant visual impact imposed on Units 4 and 8 by the bulk of the main dwelling as noted above, the proposal not only disrupts the views currently enjoyed by these units, but completely obliterates them. Located on Level 1, Unit 4 currently has access to a leafy outlook with water glimpses from the balcony as demonstrated by the image in Figure 3, while Unit 8, located on Level 2, currently enjoys full panoramic district and water views from both a sitting and standing perspective from the balcony and living room, as shown in the image in Figure 4. The proposed development will eliminate these views in their entirety, replacing them with 100% wall (for Unit 4) and 100% roof (for Unit 8).



Figure 3: Indicative view from Unit 4 (L1)



Figure 4: Unit 8 (L2) views, which will be lost in their entirety

Based upon the height and projections of the main dwelling taken from the Site Plan (Sheet A03), it is also expected that Units 3 (L1) and 7 (L2) will lose greater than 50% of their available respective views, while Units 2 (L1) and 6 (L2) will also sustain some loss of available views. Unit 12 (L3) will likely retain their water views but lose access to substantial district views, with Units 11 and 10 on Level 3 also experiencing some disruption of district outlook. As the proposed main dwelling extends an additional 4.7m beyond the northern extent of 53 Redman Road, this will also impact on views currently available to residents of the unit blocks to the northwest of 53 Redman Road.

This disruption, and in some instances elimination, of views cannot be considered “reasonable sharing of views” and therefore **does not meet requirement 1 of Section D7 of the WDCP**. Once again, all disruption of views can be completely eliminated by relocation of the 2 storey main dwelling to the front of the block, as is consistent with the local neighbourhood character, where the main bulk of the development will then be located in front of garages only to the west. The proposed main dwelling currently has no windows indicated for Level 1 on the eastern side, and thus the location of the single storey dwelling at 49 Redman Road to the east would pose no loss of potential views for the occupants of the proposed dwelling. As the land slopes downward towards the northeast, locating the proposed main dwelling at the front of the block, where the RL is approx. 1.6m higher, would still afford windows on the eastern side of Level 2 a reasonable share of views above the roof of 49 Redman Road.

Loss of Privacy (WDCP Objectives B3, B5, D2, & D8)

Referring again to Figure 2 above, drawn from Side Elevation 2 on Sheet A11 of the supplied plans and depicting the location of the windows of Units 4 and 8 in relation to the proposed main dwelling, Window W34, associated with Bedroom 3 of the proposed main dwelling, is centred within the same vertical alignment as the lounge windows (and corresponding balconies) of Units 4 and 8. This allows W34 to look down upon the private open space (balcony) and the lounge room window of Unit 4 from a distance of 5.4m and 7m respectively. Conversely, it also allows Unit 8 to look down into the bedroom associated with W34 from the same distances. The angle of view afforded at these distances represents a significant impact on privacy. This would appear to **fail requirement 4 of Section D8 of the WDCP**.

It is also noted that the site plan fails to indicate the presence of a swimming pool located in the rear of 49 Redman Road. The proposed location of the main dwelling would place it in close alignment to the swimming pool, thus introducing overlooking opportunities and potentially impacting upon the private enjoyment of the pool by those residents. Conversely, the noise associated with use of the pool could impact upon quiet enjoyment of private open space by occupants of the proposed development’s main dwelling.

So again, it would appear that the best way to meet requirement 1 of WDCP Section D8 and *“optimise privacy for occupants of the development and occupants of adjoining properties”* would be relocation of the 2 storey main dwelling to the front of the block, as is consistent with the local neighbourhood character, where the main bulk of the development will then be located in front of garages only to the west. The proposed main dwelling currently has no windows indicated for Level 1 on the eastern side, and thus this would pose no privacy issues for either the occupants of the proposed dwelling or the occupants of the single storey dwelling at 49 Redman Road. As the land slopes downward towards the northeast, locating the proposed main dwelling at the front of the block, where the RL is 1.6m higher, would ensure that the location of windows on the eastern side of Level 2 would be at a sufficient height and offset to facilitate privacy.

Loss of Solar Access (WDCP Objectives B3, B5, D2, D6 & D8)

Shadow Diagram 1 on Sheet A02 of the supplied plans depicts considerable overshadowing of the eastern facing balconies of several of the more northern units of 53 Redman Road as at 9am. This obviously has the greatest impact on the Level 1 balconies of Units 4, 3 and 2 where the height of the opposing dwelling provides the greatest barrier to the sun. The provided diagram does not include existing shading produced by the northern walls associated with these balconies which further reduces the amount of sunlight achieved by these units. For Unit 3 in particular, the area of available sunlight within the private open space of the balcony at 9am is quite obviously less than 50% even without factoring this additional shading associated with the northern wall.

Given that the alignment of the 3 storey unit block at 53 Redman Road is parallel to that of the proposed dwelling, the directionality of the shading shown in Shadow Diagram 2 (12pm) also applies in that the shadowing extends beyond the leading eastern edge of the building roof by this time. Amplified by their position on the lowest of three levels, this ensures that access to direct sunlight to 100% of the private open space for these 3 units has already ceased prior to 12pm, which is evidenced by the photo in Figure 5, taken at 11:40am on 1st September facing south from the north-eastern corner of the building.



Figure 5: Photo of overshadowing of balconies at 53 Redman Road evident at 11:40am 1st September

This clearly demonstrates that at least in respect to Unit 3/53 Redman Road, and quite likely also in respect to Units 4 and 2, that the proposed development **fails to meet requirement 2 of Section D6 of the WDCP** to ensure that at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

Additional Concerns

Airflow

As per Sheet A16 of the Supplied Plans, placement of the proposed 2 storey dwelling directly to the east of the northern end of the unit block at 53 Redman Road, will create a physical barrier to prevailing summer breezes, in particular for Units 8 and 7 on Level 2 and Units 4 and 3 on Level 1, thus reducing the availability of natural ventilation and cooling. Thus, these residents will likely be

subjected to a greater level of discomfort associated with higher internal temperatures, and/or greater reliance on forms of artificial ventilation and cooling, resulting in an increased financial and environmental burden. The additional radiation of heat off of the colorbond roof will further impact on the level of heat discomfort experienced by residents of the upper two floors of the unit block.

Stormwater

With reference to Drawing C2-Drainage Plan provided as part of the Stormwater Management Plan, I note that despite the natural gradual slope of the land to the east, and placement of the bulk of hard surface in the form of driveway, parking, etc., on the eastern boundary of the property, all of the collected stormwater appears to be directed uphill to pits located on the higher western side of the property. This seems counter-intuitive to the purpose, and I wonder if it is in fact achievable and/or efficient.

Also placement of a large absorption pit on the western boundary, directly in front of several units, poses concerns with regards to potential stagnation of residual water and subsequent breeding of mosquitoes.

Size and Use of Proposed Workshop

According to the Statement of Environmental Effects, “the proposed workshop has a floor area of 68m² and is intended to be used to store the client’s hobby motor vehicles and to undertake maintenance of the vehicles”. There are concerns that the size of the workshop seems excessive for a personal hobby, and may be used as a home business/industry and/or additional accommodation. In either instance the size of the proposed workshop exceeds allowable floor space for those purposes.

Issues with supporting documents

Statement of Environmental Effects

At page 8, Table in relation to WLEP Clause 1.2 - As demonstrated above, the proposal does not comply with WLEP Aim 1.2(2)(d), and thus the statement provided in column 3 indicating compliance is false.

At page 12, Table in relation to D6 – Access to Sunlight: the statement provided in column 3 “The proposal provides for a new two storey dwelling on a north/south orientated allotment. Given the orientation and considered design the proposal maintains at least 3 hours of solar access to private open space and north facing windows on the winter solstice” fails to address the required access to sunlight of adjoining properties, particularly the lack of northern exposure to the lower level units at 53 Redman Road, and their associated areas of open space (balconies), which as demonstrated above, does result in failure to maintain a minimum of 3 hours sunlight to at least 1 (most likely 3) adjoining property(ies).

At page 12, Table in relation to D7- Views: As demonstrated above, the statement provided in column 3 “The proposed dwelling will not result in any obstruction of views enjoyed by surrounding properties” is entirely false. At least 2 adjoining properties will lose 100% of their view, while other adjoining properties will lose access to views in varying proportions.

At page 24, paragraph 4 of Conclusion: As demonstrated above, the statement “The application before the Council provides no unreasonable impacts to adjoining and adjacent residential properties. The subdivision is also in keeping with the envisaged low density residential character of the locality and no adverse amenity or environmental impacts are foreseen” is false in relation to the underlined elements. The above demonstrated loss of views, privacy and access to sunlight

represent significant impacts, which in addition to not meeting WDCP requirements, are considered unreasonable in that they can be completely eliminated by relocation of the proposed main 2 storey dwelling to the front of the lot.

Arborist Report

Of the 8 trees indicated for retention (Appendix 1, page 13), 1 is located outside of the property boundary. 6 of the 7 remaining trees are classified as exempt species (trees 1, 2, 3, 4, 15 & 20) by Northern Beaches Council, and thus can be removed at any time without further approval. Of these, trees 1, 2, 15 & 20 are considered regional weeds of concern in the *Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022*, and thus should be removed.

In light of the proposed significant loss of trees on the site, it is felt that a Landscape Plan detailing location and number of trees and shrubs to be re-introduced to the property should be required.

Justification for Refusal of DA2019/0884

In light of the above illustrated instances of failing to meet numerous Objectives, as well as a number of Requirements, of the WDCP and ultimately failing to meet Principal Development Standard 4.3(1) of the WLEP, refusal of DA2109/0884 in its current form is considered not only justified, but essential, in that:

WLEP Clause 4.6(3), states that “*Development consent **must not be granted for development that contravenes a development standard** unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard”.*

As it is considered that relocation of the main 2 storey dwelling to the front of the block;

- is not unreasonable, and is in fact necessary based upon the significant impact of the proposed development on several adjoining properties, and
 - can subsequently meet environmental planning requirements with minimal design adjustments, which would adequately address the non-compliance issues,
- an exemption from this standard is not thought to be warranted.

I therefore trust that Northern Beaches Council will concur with this assessment and refuse this development application in its current form, and until such time as all stated objectives are met.

Yours sincerely,

Robin Anderson