
From: Emma Rogerson
Sent: 19/07/2022 6:01:46 PM
To: Council Northernbeaches Mailbox
Cc: Team; Peter; Julia Wright
Subject: DA/2022/0906 - 3 Cootamundra Drive, Allambie Heights - Submission
Attachments: Submission - 3 Cootamundra Drive, Allambie Heights.pdf;

Dear General Manager,

Please accept the attached submission in response to DA/2022/0906 at 3 Cootamundra Drive, Allambie Heights on behalf of 5 Cootamundra Drive, Allambie Heights.

Thank you,

Regards,

Emma Rogerson

M.Urbanism (URP) (USYD)

B.ArchEnv (USYD)

Town Planner

Corona Projects Pty Ltd

Ph. 0468 535 194

Sydney - Suite 106/35 Spring Street Bondi Junction 2022 NSW

Sydney - Suite 16/895 Pacific Hwy, Pymble 2073 NSW

Melbourne - 92 Rupert St Collingwood 3066 Vic



URBANESQUE PLANNING

In collaboration with  **Corona Projects**

www.coronaprojects.com.au

design, development, construction, cost management, consulting

建筑设计, 开发, 施工, 成本管理, 项目咨询

Check out our introductory videos:

In Mandarin:

<https://youtu.be/fa0a0dOc2ZQ>

In English:

<https://youtu.be/O5W-cc5D5Og>



ABN: 33 122 390 023
Suite 106, L1, 35 Spring Street, Bondi Junction, 2022
PO Box 1749 Bondi Junction NSW 1355
Ph: 0419 438 956
Email: info@coronaprojects.com.au

18 July 2022

The General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam,

**Submission in regards to DA2022/0906 Development Application
3 Cootamundra Drive, Allambie Heights**

“Demolition works and construction of a dwelling house including the refurbishment of an existing swimming pool.”

Corona Projects has been engaged by the property owners of 5 Cootamundra Drive, Allambie Heights to undertake an assessment of DA2022/0906 and provide a submission to Council on their behalf. 5 Cootamundra Drive lies to the west of the development site at 3 Cootamundra Drive. This assessment is based on a review of the development application plans and documents available for inspection on Northern Beaches Council’s website and a site visit.



Figure 1 – Site Locality Map (NearMaps, 2022)



Figure 2 – Development site viewed from street (Corona Projects, 2022)

1. Introduction

The new dwelling house and swimming pool proposal at 3 Cootamundra Drive raises considerable concerns regarding stormwater drainage, visual and acoustic privacy, structural stability and overlooking. Consequently, it will pose an unacceptable impact on the residential amenity of 5 Cootamundra Drive and of the locality.

2. Visual Privacy and Overlooking

Windows along the north-western elevation marked as W21, 22 and 23 proposed under DA2022/0906 will allow for direct, unobstructed and close views into the principle private open space in the rear garden and sensitive bedrooms of 5 Cootamundra Drive. Figures 3 and 4 show the windows of concern and the proposed direction of overlooking, resulting in a substantial and unacceptable visual privacy breach.

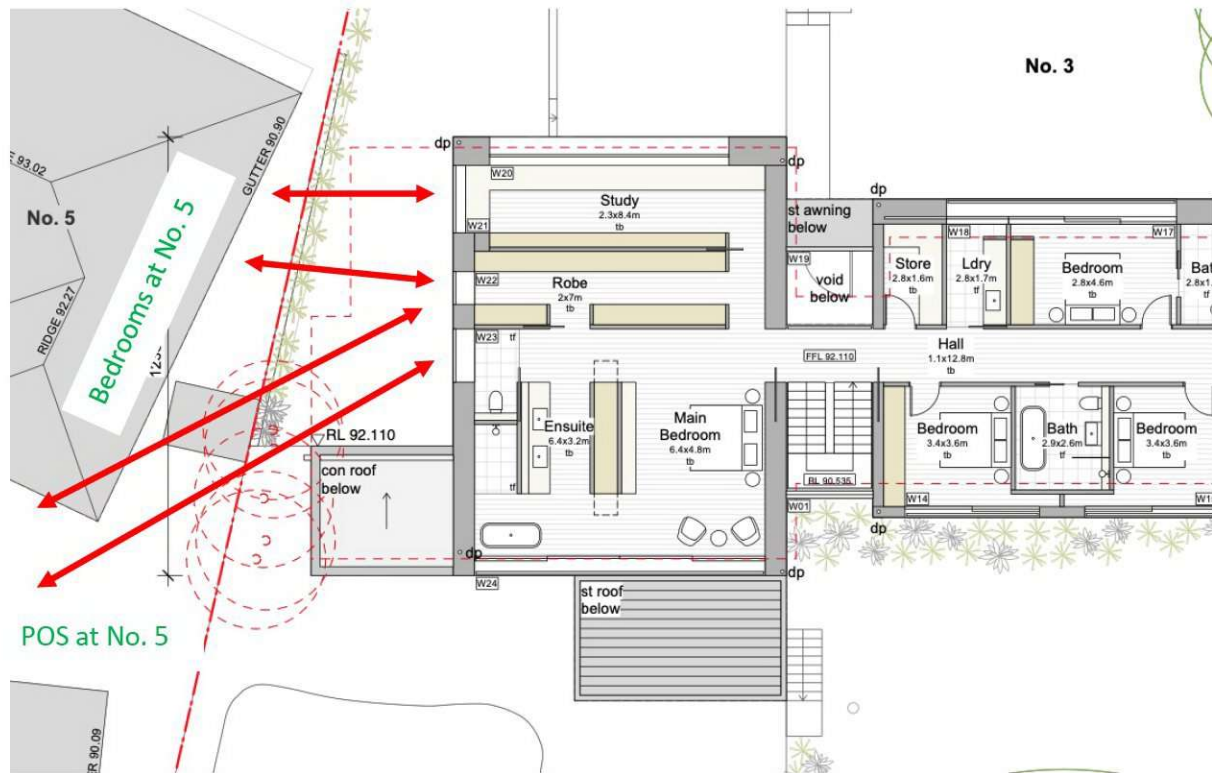


Figure 3 – Overlooking Diagram

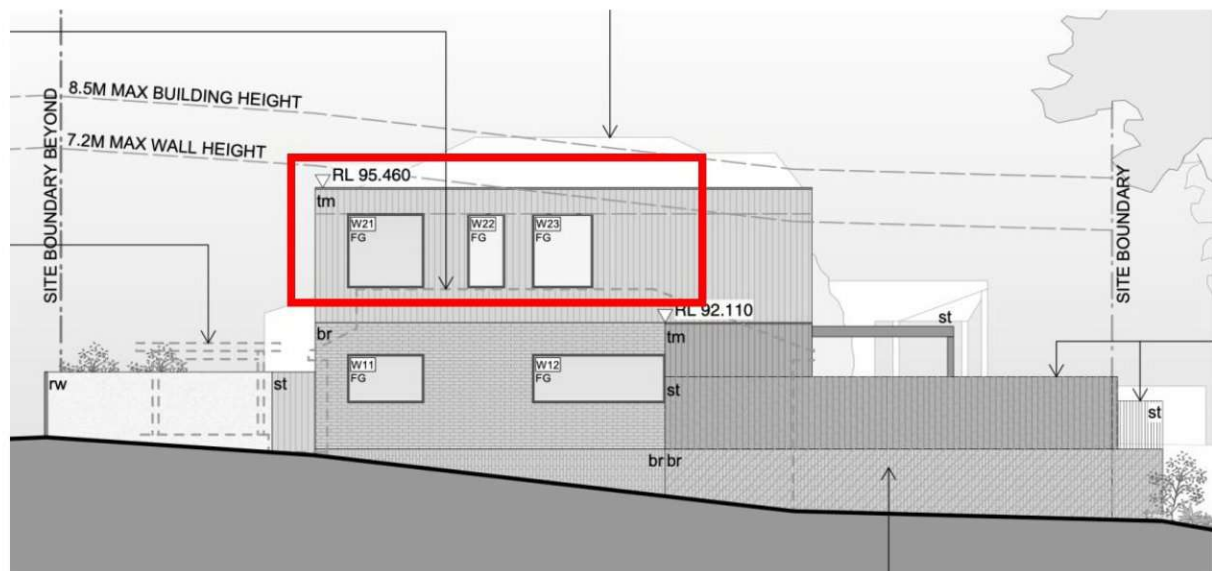


Figure 4 – Windows of concern along the proposed north-western elevation (JQDM, 2022)



The proposed overlooking is in conflict with the following Warringah Local Environmental Plan (WLEP) 2011 objectives and Warringah Development Control Plan (WDCP) 2011 controls:

- R2 Low Density Residential Zone objective “to provide for the **housing needs** of the community within a low density residential environment”, with “housing needs” including an expected high level of residential amenity.
- Height of Building objective (1)(b) “to minimise visual impact, disruption of views, **loss of privacy** and loss of solar access.”.
- Part D8, WDCP 2011 visual privacy controls to “orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking” and “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.”

Furthermore, under *Meriton v Sydney City Council [2004] NSWLEC 313* SC Roseth concludes that;

*“Generalised numerical guidelines such as above [Council DCP Privacy controls], need to be applied with a great deal of judgment, taking into consideration **density, separation, use and design**”.*

Roseth states that the principles discussed below may be applied when assessing privacy:

Assessment Principle	Comment
1. Ease of Privacy Retainment The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.	As the development site and the site subject to privacy loss both contain single dwelling houses, it remains a reasonable expectation that the house and private open space (POS) and bedroom spaces of 5 Cootamundra Drive should retain its privacy.
2. Separation Privacy can be achieved by separation . The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other. Conversely, in a low-density area, the <i>objective</i> should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)	DA2022/0906 should improve the physical separation between the position of overlooking (first floor windows) and the rear garden and bedroom spaces of 5 Cootamundra Drive. The removal or frosting of the upper floor north-west facing windows can achieve this.
3. Use of Space The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.	The rear garden area of 5 Cootamundra Drive is the most frequented POS that the entire site has, and as such the overlooking from the proposed first floor windows is unacceptable. Furthermore, the ground floor bedrooms at 5 Cootamundra Drive



ABN: 33 122 390 023

Suite 106, L1, 35 Spring Street, Bondi Junction, 2022

PO Box 1749 Bondi Junction NSW 1355

Ph: 0419 438 956

Email: info@coronaprojects.com.au

	will be overlooked from the upper floor bedroom of 3 Cootamundra Drive. As both spaces are bedrooms, there is an expectation that they will be used at the same time.
4. Poor Design Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.	An alternative design which does not sacrifice the amenity of 3 Cootamundra Drive and protects that of 5 Cootamundra Drive as suggested in the Recommendations of this report, can be very reasonably achieved.
5. Hierarchy of Space Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.	The area of rear garden that adjoins the living room of 5 Cootamundra Drive is the area that is subjected most to overlooking from the proposed upper floor north-west facing windows.
6. Additional Solutions Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.	No privacy screening devices have been implemented within DA2022/0906 for the north-west facing windows.
7. Landscaping Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.	
8. Change In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.	The area surrounding the development site is not undergoing considerable change. In fact, future development should retain the established character of the immediate locality including the directly adjoining Landscape Heritage Conservation Area, and in doing so, retain visual and acoustic privacy.

In accordance with *Meriton v Sydney City Council [2004] NSWLEC 313*, more skilful design including removed or frosted upper floor north-west facing windows would assist to reasonably mitigate overlooking concerns between the two properties. Without the changes proposed in the Recommendations of this letter, the development cannot be supported in its current form.



3. Acoustic Privacy and Noise Mitigation

The proposed new basement under DA2022/0906 will accommodate for significantly more cars to be parked on site, causing an expected increase in vehicle movements in and out of the site. This undoubtable increase will produce an adverse acoustic impact for the directly adjoining neighbour at 5 Cootamundra Drive as all of the bedrooms at No. 5 are located closest to the shared boundary with 3 Cootamundra Drive, and the driveway under DA2022/0906 sits less than 60cm away from the shared boundary.

It is acknowledged that the current driveway at 3 Cootamundra Drive is located along the shared boundary (see figure 5), however, the significant redevelopment of the site under DA2022/0906 poses opportunity to increase the distance of the driveway from the boundary and to maintain or reduce the vehicle movements possible for the site. The new development will also significantly increase the length of the driveway compared to the existing one, resulting in noise from car movements being experienced from every room along the south-eastern portion of 5 Cootamundra Drive rather than just the front one as at present. Fumes and emissions from the increase in vehicle movements into these nearby bedrooms is also problematic at such close proximity.

Part D3 Noise of the WDCP 2011 requires development to “locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.” DA2022/0906 in its current form does not achieve this, locating a long and frequently used driveway within metres of the sensitive bedrooms of the neighbouring dwelling.



Figure 6 – Small side setback between 3 and 5 Cootamundra Drive (Corona Projects, 2022)

4. Stormwater Drainage

At present, the front garden of 5 Cootamundra Drive shown in figure 6 becomes muddy and damaged by stormwater draining from 3 Cootamundra Drive. The new proposal should rectify the existing issues and ensure that no run-off impacts 5 Cootamundra Drive.



Figure 6 – Front garden of 5 Cootamundra Drive (Corona Projects, 2022)

5. Structural Integrity

The proposed basement excavation under DA2022/0906 within such close proximity to 5 Cootamundra Drive places the structural integrity of the foundation and existing dwelling at No. 5 at risk.

The DA package fails to provide adequate reassurance from a suitably qualified Structural Engineer that the proposed works will protect the neighbouring site, with the Geotechnical Report submitted by the applicant also acknowledging that further review of structural drawings is required to confirm the adequacy of the proposal.



Given the close proximity of works proposed, a Structural Design and Certification of Adequacy from a Structural Engineer should be supplied to Council at this Development Application stage. Where there is risk of damage to No. 5, the footprint of new works should be setback until there is no risk.

6. Basement Overdevelopment

The noise and structural integrity concerns are a direct result of the proposed new basement under DA2022/0906. Whilst it is acknowledged that basement parking is desired by the applicants of DA2022/0906, it is not considered a necessity in the immediate locality.

Cootamundra Drive and surrounding streets have ample unrestricted street parking, and the existing site with a successful garage and hardstand parking arrangement is proof that further parking spaces in the form of a basement are not required in this context. Basement parking is not a feature of the Cootamundra Drive streetscape, nor the greater R2 Low Density Residential zone in which the development site sits.

The basement can therefore be considered an overdevelopment in this instance and its inclusion within the subject proposal should only be considered acceptable if the structural and acoustic issues within this letter are resolved.

7. Recommendations

The substantial demolition of most structures on site under DA2022/0906 provides opportunity to improve previous negative planning outcomes, including the location of the existing driveway and dwelling so close to the shared boundary between 3 and 5 Cootamundra Drive, and the inadequacy of the existing stormwater drainage arrangement.

Whilst retaining existing fabric in its current location is accepted on sustainability grounds, as the demolition and significant modification of existing works are proposed it is not reasonable to justify the location and footprint of new works on the location and footprint of present works.

A more skilful design by way of reconfiguration can allow both 5 Cootamundra Drive and 3 Cootamundra Drive to retain and/or improve their amenity respectively. Actions a – d provide a suitable scheme which solves all concerns raised within this letter and allow for works at 3 Cootamundra Drive.

- a) **Action:** Remove, frost or raise the window sill height to 1.7m of proposed windows No. 21, 22 and 23 (upper floor north-west facing windows).

Outcome: This will protect the privacy of the primary POS and sensitive bedrooms of 5 Cootamundra Drive.

- b) **Action:** Improve the stormwater drainage solution to ensure that no stormwater will flow to 5 Cootamundra Drive.



Outcome: This will protect the landscaping in the front and south-eastern side setbacks of 5 Cootamundra Drive from damage caused by excessive waterflow.

- c) **Action:** A Structural Design and Certification of Adequacy from a Structural Engineer should be supplied to Council at this Development Application stage. Where there is risk of damage to No. 5, the footprint of new works should be setback until there is no risk. A Dilapidation Report and ongoing monitoring throughout the construction stages should be applied as a condition of consent.

Outcome: This will protect the structural integrity of 5 Cootamundra Drive.

- d) **Action:** Increase the north-western setback of the new proposed driveway and new structure to a minimum of 2m.

Outcome: This will reduce noise to, and the risk of damage to 5 Cootamundra Drive. It will also facilitate the planting of landscaping and allow such greenery to contribute to the Landscaped Open Space calculation, defined in Part D1 of the WDCP 2011.

- e) **Action:** Retain the existing north-western side boundary fencing between 3 and 5 Cootamundra Drive.

Outcome: This will protect the visual and acoustic privacy between the two sites.

- f) **Action:** If the structural and acoustic issues cannot be overcome by other means, the basement should be removed and ground level garage parking should be retained on site in its current location or with an increased side setback.

Outcome: This will protect the structural integrity and acoustic privacy of 5 Cootamundra Drive.

Conclusion

We have strong concerns about the proposed development and believe it cannot be supported in its current form. The development will have an adverse impact on the residential amenity of 5 Cootamundra Drive. A development of this configuration cannot be supported on this site. It is therefore requested that the proposed development in its current form be revised. Any future development on the site should ensure compatibility with the local area and address the issues raised in this submission.

The owners of 5 Cootamundra Drive invite Council to conduct a site inspection on their property to best understand the perspective of the discussed concerns. Please contact Mr Peter Wright (email: [REDACTED]) to arrange a visit.

Kind regards,

Emma Rogerson

Master of Urbanism (Urban and Regional Planning) (USYD)



Corona Projects

ABN: 33 122 390 023

Suite 106, L1, 35 Spring Street, Bondi Junction, 2022

PO Box 1749 Bondi Junction NSW 1355

Ph: 0419 438 956

Email: info@coronaprojects.com.au

Bachelor of Architecture and Environments (USYD)

Planning Institute of Australia (Assoc.)

Town Planner