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**Sent:** 7/06/2021 10:38:27 AM  
**Subject:** DA 2021/0398  
**Attachments:** Submission No. 26 Update - 07.06.2021.pdf;

Attention Nick Keeler

I have checked the latest amended plans and related documents for the above submission.

There are still several areas that have not been considered which are detailed in the above attachment.

I request that these concerns be addressed prior to any approvals are given.

Regards.

Rick Wray, 26 Palomar Parade Freshwater.

7<sup>th</sup> June 2021

General Manager  
Northern Beaches Council

**RE: Development Application - DA2021/0398**  
**90 Lawrence Street Freshwater**  
**Objections to Proposed Development – Secondary Dwelling**

**On behalf of:**

**Richard Wray – Rear Adjoining Neighbour**  
**26 Palomar Pde Freshwater.**

**Written By:**

**Jessica Gabrielle Wray**  
**Registered Architect No.9511**

I am writing this letter on behalf of my Father - Richard Wray.

This is as a response to the updated and amended plans as submitted to NB Council, which fall extremely short of addressing some of the major concerns previously raised.

Again, The primary concerns we have relating to the proposed development are as follows; these will be extrapolated upon further in this letter under the relevant Warringah Development Control Plan Objectives (WDCP2011).

**Previous Concerns:**

1. Major Departure from Warringah DCP2011 Rear Boundary Setback causing major amenity loss to No.26 (overlooking, privacy, solar access). Adequate detailing of the Site setbacks has not been demonstrated on the supplied plans. **The amended proposal still proposes a stair and landing within the rear setback.**
2. The Non-Compliant Stormwater Management Plan, no easement has been sought for the proposal and the overflow is currently proposed to flow directly into the rear yard of No.26 Palomar Pde. **THIS HAS NOT BEEN ADDRESSED.**
3. The absence of a Sediment Control Plan – as construction is likely to cause run-off and contamination to the rear yard of No. 26. **THIS HAS NOT BEEN ADDRESSED. AND IS A MAJOR CONCERN.**
4. The orientation of the Private Open Space and the area available to the proposed secondary dwelling (Note that the proposed Alfresco directly overlooks Rear Private Space of No.26 Palomar) **THIS HAS NOT BEEN ADDRESSED.**
5. Solar Access to the rear Yard @ No. 26, No shadow diagrams have been supplied, shadowing is likely to be substantial and should not be supported. **THIS HAS NOT BEEN ADDRESSED.**
6. Privacy, the proposal @ No. 90 has not considered the major amenity impacts to not only No.26 Palomar Pde Rear yard, but other neighbouring rear yards to Palomar Pde (No 28 and 30). The proposal at No. 90 should be re-oriented. **THIS HAS NOT BEEN ADDRESSED.**
7. Rear Fence – No consideration has been given to including a new rear fence, or for site security during construction. **THIS HAS NOT BEEN ADDRESSED.**
8. The proposal at No.90 proposes to remove 3 substantial trees at the rear boundary which currently provide visual separation and privacy to No.26. These also form part of the natural dominant landscape of rock formations and native trees with smaller native vegetation under. **we understand that this has been addressed with an arborist report – however the landscape referral proposes the planting of 3 new trees close to the fence line – We would like further information about this, as it refers to the southern fence line. Does this refer to the existing fence line or the boundary line. Noting that the area directly behind the existing fence line is steeply sloping and would not**

support planting – it would require a very large boundary wall retaining structure. Could we please request additional information.

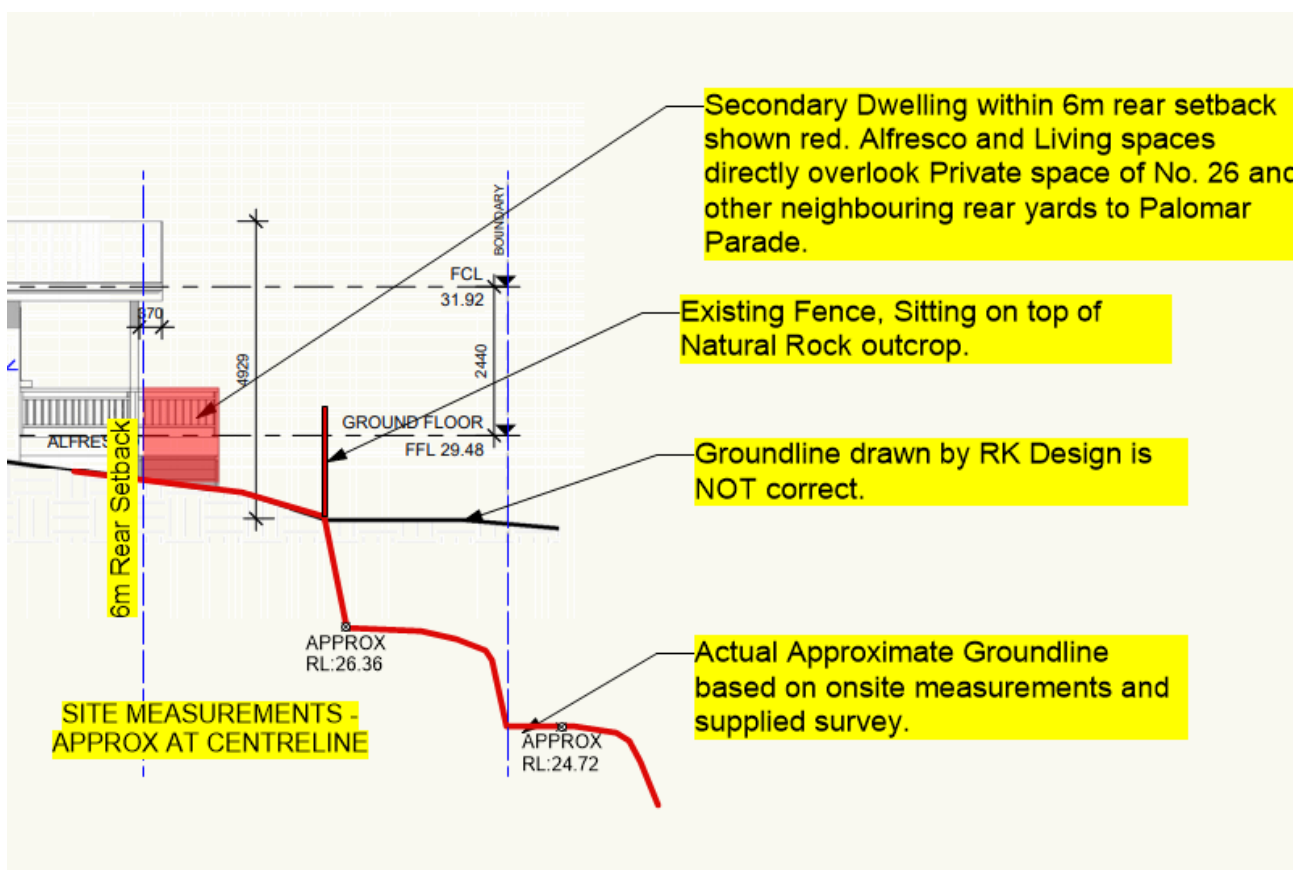
#### Required Screen Planting

Screen planting shall be planted along the southern fence line within a garden bed in accordance with the following:

- i) three (3) *Elaeocarpus reticulatus* small tree planting along the fence line to achieve at least 5 metres in height, set at no more than 3.0 metres apart, planted at a minimum 75 litre pot container size, and approximately 700mm from the fence line,
- ii) four (4) shrubs suited to shade conditions to achieve at least 2 metres in height planted in between the small tree planting, installed at a minimum 200mm pot size,
- iii) planting shall be contained in a continuous garden bed at least 1.0 metres wide, prepared with a suitable free draining soil mix and minimum 50mm depth of mulch.

9. The proposed open space for the secondary dwelling is actually contains a steep rock face and retaining wall which renders the area un-usable. The rear of the proposed secondary dwelling roof is over 7m above the existing ground level at the boundary. **THIS HAS NOT BEEN ADDRESSED.**

#### Additional Notes:



See excerpt above from drawings submitted by RK Designs of proposed section – the ground line is still inaccurate and does not show the ground line.

1. How will a new boundary fence be constructed – due to the lay of the land, it will likely require a retaining wall.
2. How will privacy be achieved to the rear of No. 26. Have privacy screens been provided.
3. Sediment Control and Stormwater. This has not been addressed from our previous concerns – run off will go directly into the yard of NO. 26.
4. Shadow Diagrams have not been submitted and we believe that due to the additional roof over the alfresco area there will be major impacts to the solar amenity of the private open space at No. 26.
5. An updated survey should be provided to include the un-surveyed area to determine how the new boundary fence, planting and also how the development will impact the solar amenity of No. 256.

We are disappointed at the amended plans;

- Privacy, overlooking and solar access to No. 26 have not been addressed.
- The drawings have not been updated to accurately reflect the lay of the land and thus we cannot understand how planting will be supported or provide adequate/ sufficient privacy.
- The provision of a new fence has not been identified or addressed.
- And no details of how sediment control and run-off from the development is going to be addressed.

Yours Faithfully,

Jessica Gabrielle Wray

On behalf of

Richard Wray – Owner @ 26 Palomar Pde, Freshwater.

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