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**Sent:** 31/03/2021 4:22:51 PM  
**Subject:** DA2021/0188  
**Attachments:** Letter re DA2021 0188.pdf;

Dear Sir/Madam,

Re: Application no. DA2021/0188;

Address: Lot 237 DP27013 203 Powderworks road Elanora Heights

Please see attached Submission in relation to the above Application.

Yours faithfully

Judith McMahon for

M.E. McMahon & Associates

**M.E. McMAHON & ASSOCIATES**  
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31 March 2021

Our Ref: MMM:JM:10958  
Your Ref: DA2021/0188/  
Ashley Warnest

The General Manager  
Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir/Madam

Application No. DA2021/0188  
Address: Lot 237 DP27013. 203 Powderworks Road Elanora Heights  
Description: Alterations and additions to a dwelling house including garae  
Submissions Close: 5<sup>th</sup> April 2021

We have been instructed to act for Justin Penn and Jilda Penn the owners of No. 201 Powderworks Road Elanora Heights.

We note that on 16<sup>th</sup> March 2021 in the Council's Natural Environment Referral Response – Flood the officers comment involving the above Development application was:-

“A Flood Management Report need to be submitted, addressing Section B3.11 of the DCO, and confirming whether the proposed garage floor level is at or above the 1% AEP level, and whether there is any impact on flooding in the 1% AEP event. In particular, it needs to be ensured that no flood waters are diverted to the neighbour's property.” That neighbour's property is the one owned by our clients.

Our clients are also concerned about the possible overshadowing. The superficial Statement of Environmental Effects submitted with the Development Application concluded “that the proposal will have minimal impact on the adjoining dwelling and neighbourhood”.

We attach photographs of the area that will be overshadowed.

For there to be certainty about the extent of the overshadowing we submit that the applicant should be required to provide a shadow diagram before an approval is contemplated.

After the Flood Management Report and that shadow diagram are provided it will be possible to determine what condition can be imposed requiring movement of the new building further away from the property boundary.

Possible remedies:

- Proposed structure to move closer to the existing residence, therefore providing further distance away from the boundary line and fence (allowing additional sunlight to reach the primary outdoor living space and adjoining bedroom and office);
- Reducing the pitch of the proposed roof;
- Proposed structure to move further south on the plan;
- Changing the design of the ridge of the roof to run West to East, instead of North to South.

We submit that the Applicant should be required to provide the above reports prior to Council making a determination.

Yours faithfully,



Michael McMahon  
M E McMahon & Associates  
Solicitor  
Accredited Specialist Planning and Environment Law









