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**Sent:** 24/05/2021 11:11:30 PM  
**Subject:** Online Submission

24/05/2021

MRS Shelby LaneBrown  
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Allambie Heights NSW 2100  
shelbylanebrown@gmail.com

**RE: DA2020/1691 - 4 Southern Cross Way ALLAMBIE HEIGHTS NSW 2100**

Christian & Shelby Lane-Brown  
6 Southern Cross Way  
Allambie Heights, NSW 2100

Attn: Planning Officer Thomas Burns  
Northern Beaches Council  
Planning and Development  
Civic Centre, 725 Pittwater Road  
Dee Why NSW 2099

Monday, May 24th, 2021

RE: Development Application DA2020/1691

Dear Mr Burns,

We are writing again to object to the development application DA2020/1691.  
New - Demolition works of existing dwelling and construction of dwelling house, secondary dwelling and studio at 4 Southern Cross Way Allambie Heights NSW 2100.

After reviewing the amended plans, we have found there have been no changes made that address any of our initial concerns. We feel this development will grossly and negatively impact our solar amenity, privacy and standard of living.

As previously written, we are a young family living next door on the Southern side of the proposed development. Our 2 young children enjoy swimming, playing outside and exploring our property. The plans and diagrams provided clearly show how the proposed development will negatively impact our sunlight and privacy to our home, pool and backyard.

Our specific reasons for our objection are as follows:

1. We will experience a major loss of sunlight and solar amenity to the habitable areas of our home, our bedrooms, living areas, our swimming pool area and our backyard.  
We feel the new shadow diagrams listed on page 15-17 of the Master Set Amended PDF are

now less representative than the initial plans, as the shadow does not continue onto our house? Even without the continuation shown it's clear we will receive no light to nearly the entire northern side of our home. Could you kindly explain to us how this satisfies the council planning instruments? The ceilings on every level are of a maximum allowable height, could these not be reduced to help minimise the overall height of this development?

2. We will experience a significant reduction in privacy within our home, our backyard and swimming pool area.

We feel there has been no changes made to the plans to address our privacy concerns regarding our Principal Private Open Space (pool and backyard), Master bedroom, and main living/entertaining areas. Particularly the Southern side balcony, this mentions 'distant views' on the plans, but this balcony will be directly adjacent to our master bedroom and swimming pool. Complete lack of any relative levels depicted on both the submitted and the amended plans leaves the entire notion of 'privacy' in ambiguity.

3. We will experience a negative impact on the 'family' neighbourhood feel, outlook/view, parking access and noise with increase from a single-family dwelling to three habitable dwellings.

We feel there has been no changes made to the plans that address the bulk and scale of this development. We are of the opinion that this diminishes both the ideals and the character of this family neighbourhood, creating something that more closely resembles that of a medium-high-density environment. Could you kindly explain to us how this satisfies the council planning instruments?

4. Other Miscellaneous Concerns

f. Excavation and demolition due diligence (including asbestos removal)

The amended plans call for even more excavation. We are concerned that the drilling and excavating proposed may have adverse impacts on our property, our foundations, swimming pool and potentially the health of our children.

The existing two-car garage, under-house storage and makeshift balcony are all currently clad in asbestos cement board. At least one of these panels are currently broken. What assurances do we have that this hazardous material will be removed by a licensed asbestos removal contractor and disposed of in a manner that is compliant with the council and EPA regulations and Australian law?

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We have included a more detailed explanation below of the above objections from our original letter. We took a great amount of time in preparing this information and urge you to please review and take our concerns into consideration.

Faithfully,  
Christian & Shelby Lane-Brown

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Specific reasons for our objection are as follows:

1. We will experience a major loss of sunlight and solar amenity to the habitable areas of our home, our bedrooms, living areas, our swimming pool area and our backyard.

We believe that the current proposal - the main house, plus the inclusion of secondary and tertiary dwellings at the rear, will cause a massive reduction in our natural light and solar amenity, specifically:

- a. Overshadowing of our main living areas from the main house
- b. Overshadowing of swimming pool area from the main house
- c. Overshadowing of rear yard from the secondary and studio dwellings

How were the shadow diagrams were generated?

By whom and how are they 'certified'?

Have they been prepared by a qualified architect?

No shadows have been shown generated by the secondary and tertiary buildings to the East. We believe shadows generated from these structures will also impact negatively on our Principal Private Open Space.

The shadow diagrams provided do not show sill height RLs or the locations of windows to our habitable spaces located on the Northern side of our home. We believe this information has been deliberately left off the diagrams as it would clearly show a significant loss of solar amenity to these habitable spaces.

Although only the Winter solstice shadows have been provided, it would appear that our swimming pool and front terrace area is cloaked by shadow for the majority of the day, only receiving sunlight ~2pm onwards, for what would be less than two hours. Similarly, the master bedroom and other habitable spaces on the northern side of our home would be completely obstructed from sunlight from 9:30am onwards.

This lack of sunlight on the Northern side of our house would increase the likelihood of mould growth. This area is already quite wet and damp due to the topography and the natural water flow off the bedrock.

g. We will experience a significant reduction in privacy within our home, our backyard and swimming pool area.

The Site Analysis Plan correctly identifies our 'Principal Private Open Space', yet the shadow diagrams provided show a total disregard for these spaces. There are great degrees of overshadowing and privacy loss, from the main residence and the proposed home office to the East.

This is particularly evident due to the design of the Southern Side of the proposed development (adjacent to our house). The off-centred footprint (presumably to facilitate a driveway down the Northern side), the placement of windows, balconies and the location of the patio on the southern side of the main house adversely impacts our privacy.

The addition of a secondary dwelling and a studio at the lower part of the site will also cause a large reduction to our privacy in our backyard due to the scale, placement and design of this structure.

Our Principal Private Open Space design constraint, identified on the Site Analysis Plan, is totally ignored in the design of the proposed dwelling. Specifically overshadowing, reduced privacy and diminished solar amenity to;

a. Our master bedroom and main living areas.

The proposed patio and balcony at the southern side middle level looks directly into our master bedroom and main living areas. Conveniently, no RLs have been shown indicating the sill heights of windows along our Northern façade.

b. Our entertaining areas at the Eastern end of our house.

The proposed patio/deck at the south and eastern side look directly into our main entertaining decks (1st floor and ground floor). Conveniently, no RLs have been shown indicating the heights of these areas along our Northern façade.

c. Our backyard.

The proposed third dwelling studio looks directly into our backyard and has a setback of only 1.5m, with a roof setback of only 0.60m (60cm). Contravening council Side Boundary Envelope and Side Setback requirements that "Fascias, gutters, downpipes and eaves must be up to 0.675m from the boundary."

The proposed home office dwelling height of 3.4m to 4.5m (per Statement of Environmental Effects) will extend significantly over the existing fence.

Is the maximum allowable height of these secondary and tertiary dwellings 3.8m?

d. Overshadowing, reduced privacy and diminished solar amenity to our swimming pool area.

The proximity to, scale and bulk of the main house, with the proposed balcony deck/patio on the southern side middle level and double garage windows look directly into our pool area.

We understand there will be shared / view spaces due the nature of the sloping site but we feel that greater consideration should have been taken in the design of the proposed development. The placement of balconies and windows on Southern side of the main home and secondary and third office/studio dwelling should be reviewed.

Correctly identifying the windows and habitable rooms on our northern boundary would assist council in this review. Street view elevations and sections that show the relationship of the proposed dwelling to our home would clearly illustrate that the middle level windows overlook our Principal Private Open Space. Conveniently no RLs of our properties window sill heights have been indicated on the drawings.

h. We will experience a negative impact on the 'family' neighbourhood feel, outlook/view, parking access and noise with increase from a single-family dwelling to three habitable dwellings.

a. The proposed increase from a single-family home to three dwellings is incongruent with the definition of the Zone R2 Low Density Residential planning objectives.

When reviewing the proposed development against the Warringah Local Environmental Plan 2011 - Part 4.4 Floor Space Ratio, we find it puzzling how the proposed development could meet the R2 Low Density Residential regulation.

The proposed increase from a single-family home to three dwellings is incongruent with the definition of the Zone R2 Low Density Residential planning objectives. The bulk and scale of the proposed development is inconsistent with the desired character of the locality. We are of the opinion that this diminishes both the ideals and the character of this family neighbourhood, creating something that more closely resembles that of a medium-high-density environment.

b. The proposed dwelling has been designed to be easily converted to three independent living units.

The primary reason we left the inner city and came to Allambie Heights was to enjoy the family friendly neighbourhood and outdoors. Our 2 young children enjoy swimming, playing outside and exploring our property. The diagrams provided clearly show how the proposed development impact negatively on privacy. The potential addition of 2 dwelling houses on the site will further negatively impact our privacy and daily family life.

#### i. Other Miscellaneous Concerns

##### a. Landscaping / Area calculations

Although new trees are proposed, what are the impacts on our swimming pool area? There is potential increased shade/shadow, deciduous leaf/flower litter and roots potentially disturbing the pool foundations. The area calculations on the Site Plan seem incorrect.

##### b. Built Form Controls - B1 Wall Height

The proposal asks for special consideration to extend the overall main residence wall height from a 7.2m allowable limit to 8.12m. There are many references to measures designed to 'minimise the bulk and scale' but the drawings viewed stand in stark contrast to this.

##### c. Home Office Wall Height

The Statement of Environmental Effects has vague referencing to heights "about 4.2m". In reality, the wall height ranges from 2.4-4.5 throughout the documents. Additionally, whilst the wall to boundary fence line is stated to be 1.5m from the 'Home Office' in the drawings - it appears the eaves overhang another 900mm, thereby reducing the boundary set back distance to 600mm.

##### d. Development for multiple residences.

Three, independent dwellings, all plumbed. We have valid concerns about what eventuates with these dwellings post-approval. The boundary setback on Northern side of property remains at 4.5m, a reference to previous 'pre-DA' stage where this space was allocated to a driveway down to the proposed 'granny flat'. This pushes the bulk of the primary dwelling close to our Northern façade and primary habitable spaces. At three levels and 430 sqm of main dwelling - is there not enough room for a 'home office' in the main residence?

##### e. Noise pollution

The placement of the main Air Conditioning Unit is directly adjacent to our master bedroom and swimming pool - areas of relaxation. At only a 2.5m setback this is actually one of the closest

proximities to our house.

f. Excavation and demolition due diligence (including asbestos removal)

There are references in the Geotechnical report to the shallow bedrock resistance and the need to excavate to ~2.1m in dry conditions only and with astute care specified around the type of rock cutter used. Is this depth within planning instrument limits? How can we be assured that due diligence is taken with the technical elements of this - types of cutters used, impact and seismic monitoring etc?

We are concerned that the drilling and excavating proposed may have adverse impacts on our property, our foundations, swimming pool and potentially the health of our children.

Thank you in advance for your time for reviewing our objection submission.  
Should you have any questions, or would like to visit our property which neighbours the development site - we welcome you and the chance to discuss our concerns.