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**From:** Stephen Darke (MAM)  
**Sent:** 24/01/2022 8:14:03 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** hdarke@mac.com  
**Subject:** DA2021/2537 (1056 Barrenjoey Rd)  
**Attachments:** 1056Barrenjoey\_Supporting\_Memo\_Darkes\_52258009\_1 (MIRA\_Sydney).DOCX; 1056Barrenjoey\_Pics\_52258007\_1 (MIRA\_Sydney).PPTX;

Dear Sir/Madam,

We are the owners of 1058 Barrenjoey Road, and this submission is in relation to Application DA2021/2537 for 1056 Barrenjoey Rd ("Proposal") - Alterations and additions to dwelling house, including construction of a second story.

By way of background, we attach:

(i) our email to the applicant dated 15 January setting out our concerns on the Proposal, and attaching pictures of the property with the proposed building super-imposed. [We subsequently met the applicants to discuss these matters, although no resolution has yet been reached. I understand they are discussing with their architect specifically how to address the visual privacy issues we have with the build design and north-facing windows, which is of major concern to us].

(ii) the relevant pictures in a powerpoint presentation for ease of reference; and

(iii) a brief memo with more details/questions.

In summary, there are two key matters/questions which we want to address in our submission to council:

**1. Overlooking Private Open Space:** In our mind, the proposal causes a major over-looking issue over our private open space, including our deck and (soon to be complete) pool. In section C1 of the Statement of Environmental Effects ("SEE"), their architect notes that the proposed upper side windows are only ancillary to neighbours rooms, but, as it relates to the northern boundary, that is clearly incorrect. See attached pictures but the windows in the Rumpus Room, the Study and, to lesser extent, the stairway have clear view of our private open space, including decking and pool. This has a materially adverse impact on the privacy of our property. In our email to applicants attached, we included some ideas to potentially resolve the issue, including amending window placement and deck privacy screen, and insertion of skylights. Note that no window on the upper story of our house faces north or south, presumably given how proximate the properties are in the area to the boundary & the neighbours, and the privacy issues. I understand this is common when over-looking is an issue, as it is clearly in this situation. We object to the inclusion of the windows as they are designed and placed.

**2. Compliant Development?:** We are confused as to whether the Proposal is compliant. The applicant confirmed it was when we met, but the architect's Statement of Environmental Effects ("SEE") clearly confirms that the landscaping, boundary setback, and envelope of the Proposal are "not numerically compliant". We are seeking council's opinion on this but we disagree with the architect's further view that the current design takes into consideration neighbouring dwellings with regard to the property's bulk, views, or our privacy concerns. We don't believe this is the case at all. A minor numerical non-compliance would be OK (and we would not object on a pure technicality that did not impact us), but it appears to us that this Proposal will lead to a highly developed site, with a bulky, sizeable main dwelling that exacerbates the over-looking issue materially. Perhaps, and according to our planner, a more skilful design, compliant with reduced envelope, increased setback and

additional landscaping along boundaries may, along with (1), alleviate the over-looking and privacy issues.

We have not engaged a planner to write up report/submission because we are hoping that the matters above can get resolved through ongoing discussions with applicants, and with council's input as to changes required. However, let us know if we should do so. We feel strongly about the privacy impact on our young family, and believe the Proposal should be, and can be, reasonably amended to address these material concerns.

If you wish to discuss this further, or visit 1058 for perspective on our submission, please call Stephen on 0429106291 or Hilary on 0455022326.

Thanks for your consideration.

Kind rgds

Stephen & Hilary Darke

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**Memo with additional info supporting Darkes' submission re DA2021/2537**

**Visual Privacy – s C1 SEE.** Addressed in my email & in email to applicants. Many other aspects of submission relevant to this.

**Proposed Rear Deck** – agree with the insertion of a louvered privacy screen. Have requested the louvers to be angled upwards so no ability to over-look our property but still provide wind, and some light, rather than a solid wall. Question for council as to whether size of the deck is appropriate, given overall development of the property?

**Stairwell/Occupancy** – there are doors proposed on top & bottom of stairs. It appears more like a lobby/separate compartment. We understand from this, the overall design, plus discussions with applicants, that the second floor will be able to be separated for an additional family (son + children) from the bottom floor. We don't necessarily have an issue with this (noting there is no upstairs kitchen in the plans), but we wanted to understand council's views on this generally, given also occupied granny flat in rear. Is this relevant to our overall concern on the bulk and development of the site?

**Side Building Lines - Sec D12-6 SEE** - we would like to confirm the accuracy of the architect's stated minimum compliant side boundary setback, the existing dwelling setback (and whether it complies) and to understand whether its typically acceptable for council to approve an additional story to a non-compliant setback? Obviously, we are not seeking to change the existing setback of ground floor given it is a pre-existing building, but adding a second story over a non-compliant setback severely accentuates the close proximity to our backyard, and impacts our spacial perspective and privacy.

**Building Envelope [Sec D12-8 SEE]** – On our review of the plans of the Proposal, it appears there are numerous building envelope non-compliances. Is this correct or are we reading it wrong? If so, it appears directly relevant to our concerns in our submission, and should be addressed?

**Landscape Area [Sec D12-10 SEE]** - We would like to understand council's view of the impact of the Proposal on soft landscaping space of the Property, and whether there is sufficient non-developed areas? Our key point here is whether any non-compliance in this regard is indirectly leading to a lack of suitable privacy planting along boundary lines to address matters like visual privacy, and bulk.

2022/042039

