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**Sent:** 27/02/2019 9:59:28 PM  
**Subject:** Objection to DA2019/0090  
**Attachments:** 33 Quirk Street Objection 2019.docx;

**Attn: Mr Daniel Milliken**

Good morning Daniel,

We reside at 31 Quirk Street which is the western neighbour to the above address and further to our brief conversation this morning, please find attached a soft copy of our Objection to the Proposed Development at 33 Quirk Street, Dee Why – Application no: DA2019/0090. I have also posted a hard copy for your files.

If you have any questions please do not hesitate to make contact, happy to discuss or view on site

Kind regards,

**Peter Huskins**

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[peter@shop-ability.com.au](mailto:peter@shop-ability.com.au)

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31 Quirk St.,  
Dee Why  
NSW 2099  
27/1/19

**Attention: Development Assessment**  
**Application: DA2019/0090**  
**Address: 33 Quirk St Dee Why.**

**Attention: Mr Daniel Milliken**

Thank you for your written advice dated 11/2/19 regarding the Proposed Development at 33 Quirk St., Dee Why and we appreciate the opportunity to provide feedback to Council through this submission as we will be directly impacted in a number of significant ways by this Proposed Development.

My wife, myself and our family reside at 31 Quirk St, Dee Why which is on the western side of #33, and have done so for nearly 20years after building our new home here in the early 2000's.

As Council would be aware, this is the second Development Application that has been submitted to construct a dwelling on this site. I did submit my Objections to the 2018 Development Application (DA2018/1503) to Council on 28/9/18, and those Objections were clearly and simply outlined and are a matter of public record. What is disappointing is that the applicant has either ignored my Objections or has scant regard for the content of those Objections as I note that this latest 2019 Development Application is nearly identical to the 2018 Development Application in size, scale and substance. Therefore, I have amended and updated my original Objections to reflect my strong on-going concerns with this latest 2019 Development Application.

Whilst I have no problem with, and fully expected that the property at #33 will be redeveloped at some stage by the owner, I do have serious concerns amongst others regarding the **bulk, size and height** of the Proposed Development at 33 Quirk Street and the resulting flow on impacts that these will directly cause.

The Proposal is not sympathetic to the existing amenity of my home in respect to **personal privacy, solar access, acoustic privacy, visual impact and the overall life style** that is currently enjoyed by my family.

I have listed my Objections below.

**1. Privacy**

My major concern is the effect that this Proposed Development will have on our future levels of privacy as the overall bulk and height of the property will encroach on my current levels of privacy and lifestyle in a material manner.

<b>D8 Privacy</b> Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The proposal incorporates a retreat, sitting room and deck on the first floor which has the potential to overlook.	<b>Refer to Section 5</b>
Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	The proposal incorporated a retreat, sitting room and deck on the first floor which has the potential to overlook.	<b>Refer to Section 5</b>
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.	First floor habitable room windows are within 9 metres of adjacent windows	<b>Refer to Section 5</b>

I contend that the above is incorrect as:

- The ground floor (GF) and first floor (L1) levels of the Proposed Development at #33 will be above my current floor levels by between .5 and 1mtr.
- The west facing windows on L1 as shown on Elevation 2 will look down from 1mtr and into our home from less than 2mtrs:
  - 4 bedrooms
  - Formal dining
  - Internal family room
  - Our GF deck area
- The west facing windows on the GF as shown on Elevation 2 will look directly down from .5mtr and into our home from less than 2mtrs:
  - Formal dining
  - Formal lounge
  - Internal family room
  - Kitchen area

Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	The proposed POS is located at existing ground level.	✓
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I contend that the above is incorrect as:

- The west facing 'rear deck' on L1 as shown on Elevation 2 in the Proposed Development at #33 will look down and into:
  - The master bedroom
  - The private deck off the master bedroom
  - Kitchen and meal preparation area
  - Casual dining room on the GF
  - Family room
  - Our GF deck area
- The west facing 'covered alfresco area' on the GF as shown in Elevation 2 in the Proposed Development at #33 will look into:
  - Our GF deck area
  - Kitchen and meal preparation area
  - Family room
  - Casual dining area
  - Formal dining area

## **2. Height, size, bulk and scale of the Proposal is inconsistent with the neighbouring properties**

Also of major concern is the height, size, bulk and scale of the Proposed Development which I believe is excessive and certainly outside of the character and size of other houses in Quirk Street, especially both of the neighbouring houses (#31 and #35) which will be dwarfed if this Development is approved. It is also linked and contributes to the Privacy issue as explained above.

<b>D9 Building Bulk</b> Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	Sufficient articulation has been provided to side continuous wall plans through incorporating eaves and window openings.	<b>Refer to Section 5</b>
Building height and scale needs to relate to topography and site conditions.	The proposed development addresses the topography of the site by incorporating a 500mm stepdown.	✓
Orientate development to address the street.	The dwelling house is orientated towards the street.	✓
Use colour, materials and surface treatment to reduce building bulk.	The colours and materials chosen will complement the surrounding area and will not dominate the streetscape.	✓
Landscape plantings are to be provided to reduce the visual bulk of new building and works.	A Landscape Concept Plan is submitted with the application to soften the appearance of the dwelling.	✓
Articulate walls to reduce building mass.	Sufficient articulation has been provided to side continuous wall plans through incorporating eaves and window openings.	<b>Refer to Section 5</b>

I contend that the above is incorrect as:

- The front alignment of the Proposed Development is approximately 3mtrs closer to Quirk St than my property, and around 500mm higher at garage floor level which is significant for properties less than 2mtrs apart. The levels that are Proposed for the front of the building then set the precedent for the levels for the rest of the Proposed Development.
- The GF level has been amended slightly with the inclusion of another 500mm drop. The front half of the GF area is still 500mm higher than my existing floor level
- The L1 floor level is around 1mtr higher than my property which contributes significantly to many of the Objections that I have detailed above,
- The RL's on the Proposed Development at #33 are not the same, or anywhere near to, the RL's on the adjoining properties #31 and #35 which will create a building that is considerably higher, bulkier and more imposing than other adjoining properties.

### 3. Boundary envelope

<b>B3 Side Boundary Envelope</b> Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 5 metres.	The rear south eastern corner of the dwelling will encroach within the required side boundary envelope.	Refer to Section 5
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I contend that the above is incorrect as:

- No envelope drawings have been provided that clearly show the impact that this Development will have on the adjoining properties on either the eastern or the western side
- East Coast Property and Planning Australia have submitted that the property does not comply to the current Building Envelope requirements and ask for dispensation for the south eastern corner
- Based on visual assessment of the Plans, I submit that the Building Envelope requirements also do not comply for the western side of the Proposed Development
- The 8.5mtr building height measurement on Elevations 1-4 have been calculated from the natural ground level at the front nature strip area of the property and not from the existing ground level, which is the ground level of the site before any earthworks have taken place. This creates a false impression of height compliance.
- The 8.5mtr building height measurement has not been submitted for the existing ground level on the south facing building line on Elevations 2-4.
- Further, the building height calculation has been made on an angular assessment from the front nature strip area not a vertical assessment from the front building line which also creates a false impression of height compliance.

### 4. Solar access

<b>D6 Access to Sunlight</b> Development should avoid unreasonable overshadowing any public open space.	There are not adjoining public open spaces.	✓
At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	As indicated on the submitted shadow diagrams, the proposal will allow at least 3 hours of sunlight access to 50% of the required area for both the subject site and neighbouring properties between 9am and 3pm, mid-winter.	✓

I contend that the above is incorrect as:

- Shadow diagram indicates that #29 Quirk (which is my westerly neighbour) will substantially be in shadow at 9am if the Development at #33 Quirk St is built – further proof that the overall height and bulk is too large
- My existing GF deck area will receive no sun at all during most of the year due to the height and bulk of the Proposed Development.
- We will receive no sun at all during the winter months on the floor or internal walls of the central living area between 9am and 3pm, and little sun during the summer months
- Our current clothes line in the southern court yard area adjacent to our internal laundry will receive no sun at all during winter and little sun during summer.

## 5. Location of Rain Water Tank as illustrated on Elevation 2

A large 3000ltr rain water tank as required for the Development is proposed in a 950mm side pathway on the western side of #33 which is directly adjacent to my property. The water tank is approximately 2m high and about 4m wide and 900mm deep and will be 1mtr from my garage windows, which further limits access to sunshine and daylight to the garage area.

As the water tank is on a plinth, one concern is that the top of the water tank will be above the level of the our first-floor bedroom windows which encroaches directly into our privacy and ambience when looking out from the window.

My major worry however is that the water tank location will also create potential security issues for my family as the height of the water tank and closeness to the boundary will allow easy access into our existing bedroom windows, and/or onto my front balcony and then into our children's bedrooms and the front hallway.

This can be resolved by installing the water tank in a more suitable location that removes a potential security issue for my family and my property.

## 6. Acoustic privacy - location of Air Conditioning Unit as illustrated on Elevation 2

In the Statement of Environmental Effects, East Coast Property and Planning Australia have submitted the following:

<b>D3 Noise</b> Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	N/A – not in proximity to mechanical plant and equipment.	✓
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In response I contend that the above statement is incorrect as the Proposed location of the Air Conditioning Unit is facing, and less than 2mtrs away, from my lounge/ family area and will be directly below and could affect 4 bedrooms on the first floor of our house.

The size of the Unit looks to be around 1m wide and around 1.5m tall which is of significant size and even if boxed in, will still create ambient noise. It will also be located on a plinth which will be higher than my existing floor level, further exacerbating potential noise levels.

Depending on the weather conditions, if they choose to run the Air Conditioning Unit for up to 24hrs at any stage during the year, it could have a material impact on our on-going right to quiet enjoyment of our property both during the day, and then overnight as we are trying to sleep.

In consideration of our neighbours we have located our units in the roof and under floor which does not cause us any discomfort at all – and is quiet.

East Coast Property and Planning Australia have also submitted that:

- *“Dispensation from strict compliance with this building **envelope control** is requested from Council on the basis the site is constrained by significant topography which slopes to the rear. The building at the rear northern portion encroaches outside the required envelopment as a 1000mm drop edge beam has been incorporated. One 500mm stepdown from the entry portion to the remainder of the house has been incorporated to address the topography. A further stepdown would severely compromise the amenity and usability of the ground floor floorplate and would not be feasible. Drop edge beam construction has been incorporated to minimise amenity impacts on adjacent properties*

*as all fill is contained within the building envelope. As such, the Proposed dwelling responds appropriately to the topography of the site."*

I contend that this statement is made more for convenience than pushing the Proposed Development's building and construction techniques to be sympathetic to the design, scale and amenity of the existing adjoining properties.

There are no "significant topographical issues" where the Proposed build will occur. The footprint that they are proposing for this Development is relatively flat with a gentle fall towards the south. The block does slope steeply towards the southern half of the block after the existing retaining wall and does not appear to materially affect the Proposed Development to any large degree.

Both #31 and #33 contended with similar block sizes, fall, property size, bulk and amenity issues and acceptable resolutions were found notably through excavation to more suitably reflect the scale of neighbouring properties.

- *"The proposal is considered to be consistent with the above objectives on the following basis:*
  - *The Development is not visually dominant by virtue of its height and bulk as only the rear portion of the dwelling is not compliant with the control. As such, the encroaching portion cannot be viewed from the street and is consistent with adjacent Developments where the rear portions of dwellings are substantially as a result of the topography of the site which substantially slopes to the rear*
  - *As demonstrated in other parts of this report, the proposal has the potential to achieve reasonable amenity of adjacent dwellings in respect to solar access and privacy and is consistent with adjacent Development in those aspects.*
  - *The proposal generally complies with the relevant provisions of the WLEP 2011 and WDCP 2011"*

I contend that the above is incorrect based on the six Objections that I have detailed above – most significantly around my loss of privacy and quiet enjoyment of my property and the loss of solar access due to the excessive bulk and size of the Proposed Development. Further, I do not understand how a Development can "generally comply" to the detailed Codes that I would think need to be consistently applied to ensure reliable and dependable interpretation and execution of those Codes.

In conclusion, I am not against the Development of #33 Quirk Street, however I believe other alternatives need to be considered to reduce the overall height, bulk and size of the Proposed building and as a result be more sympathetic to the existing neighbour's residences.

Invasion of my family's privacy is my major concern, and the Proposed floor levels will significantly encroach on our current privacy levels and effect our right to the quiet enjoyment of our existing home.

Thank you again for the chance to respond, I appreciate the opportunity that is provided.

Kind regards

Peter and Johanna Huskins  
M: 0412 574793