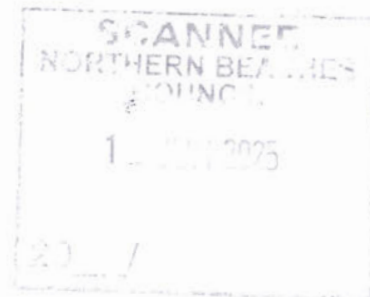


Joint Objection Letter

Development Application: DA2025/0536
Address: 19 Burne Avenue, Dee Why NSW
Date: June 2025

Submitted by the residents of:

- 17 Burne Avenue, Dee Why NSW
- 21 Burne Avenue, Dee Why NSW
- 23 Burne Avenue, Dee Why NSW



We, the undersigned residents of 17 Burne Avenue, Dee Why; 21 Burne Avenue, Dee Why; and 23 Burne Avenue, Dee Why, hereby jointly submit this formal objection letter opposing the development application (DA2025/0536) for 19 Burne Avenue.

Our objections concern both the legal non-compliance of the proposed design and the substantial negative impacts on our living comfort, privacy, and statutory rights. While we do not oppose reasonable reconstruction of the existing residence, the current proposal presents serious issues in both the main building and the secondary structure.

To ensure a comprehensive and fair assessment process, we jointly request that Council arrange an on-site inspection prior to any approval, to fully understand the actual impacts of both the main and secondary buildings on neighbouring properties.

1. Encroachment on Registered Easement and Severe Privacy Intrusion

The proposed secondary dwelling encroaches upon a registered Right of Carriageway (easement) as documented under D.P.209386, breaching the statutory 88B Instrument. This easement zone explicitly prohibits any permanent structure. The design poses a serious legal risk.

Moreover, the secondary building causes direct visual and privacy intrusion for all three neighbouring households (17, 21, and 23 Burne Ave). With inadequate setbacks, raised platform, and inappropriate orientation, it severely violates the DCP standards regarding privacy and solar access. For example:

- Site observations and plan analysis suggest that the platform is less than 1.5 metres from the second-floor bedroom window of No.17, and approximately 1.2 metres elevated above natural ground level. This elevation enables platform users to easily overlook private indoor space, resulting in significant privacy breach. Additionally, several windows of the structure overlook the living areas of No.21 and private garden of No.23.
- Based on DA drawings (DA-10) and shadow diagrams, the platform and associated structure would completely block sunlight to No.17's backyard from approximately 9:30 a.m. to 12:00 noon on June 21, 2025 (winter solstice), substantially impacting daylight and outdoor usability.

2. Main Building: Oversized and Setback Deficiencies

The proposed main building's layout and setbacks fall significantly short in multiple directions (see DA-03 and DA-05), violating DCP clauses relating to neighbourhood compatibility and boundary control. The excessive bulk and insufficient separation lead to privacy invasion, overshadowing, and an overwhelming sense of enclosure for Nos.17

and 21. It also contributes to visual bulk and streetscape intrusion for No.23. Increased traffic and associated noise further disrupt the safety and peace of the neighbourhood.

3. Lack of Drainage and Landscaping Measures

We are also concerned about the lack of green space and stormwater drainage planning. According to the Warringah DCP 2011, developments must retain adequate landscaped area and include effective drainage systems to prevent water accumulation, seepage, and structural risk to adjoining lots.


The current proposal lacks clear indication of landscape percentage and does not show comprehensive drainage paths or retention systems. As No.19 sits on higher ground relative to the three adjacent properties, increased surface hardening or poor drainage could cause stormwater runoff towards our homes during extreme weather events, leading to water ingress or structural damage.

We reiterate: while we support reasonable renovation, simply removing the secondary structure will not eliminate the substantial impacts posed by the main dwelling. Though we are not professionals, we have commissioned a qualified expert to submit a formal objection report.


Importantly, we emphasise that the secondary structure is not only unlawfully positioned within a legally protected easement, but its design breaches privacy, setback, and overshadowing controls under the DCP — rendering it both non-compliant and unreasonable.

Therefore, we respectfully urge the Council to seriously consider the issues outlined in this letter, reject the current development proposal, or require the applicant to make substantial amendments regarding the bulk, setbacks, drainage, and privacy measures of both the main and secondary buildings — to prevent approval by distraction and to preserve the planning integrity and residential amenity of the Burne Avenue community.

Signatures

Resident of 17 Burne Avenue, Dee Why: Feng Bai RuiQing Jin 

Resident of 21 Burne Avenue, Dee Why:  Kerry McGinnis PETER MCGINNIS 07/06/25

Resident of 23 Burne Avenue, Dee Why:  07/06/25
Paul Tanner