

---

**From:** Gillian Guerin  
**Sent:** 5/02/2025 12:30:33 PM  
**To:** Council Northernbeaches Mailbox  
**Cc:** Richard Guerin  
**Subject:** TRIMMED: Re: Submission for DA2024/1814- Mr and Mrs R Guerin, 16 McDonald Street  
**Attachments:** Submission to DA 2024-1814 - 16MCD GUERIN.pdf;

Dear Mr Michael French,  
Please find attached a pdf version of the submission from 16 McDonald Street, Freshwater with regards to the DA 2024/1814 submission - 20 Mc Donald Street, Freshwater.

We look forward to your acknowledgment and receipt of our submission, emailed on Tuesday, February 4, 2025.

Regards

Mr and Mrs R Guerin

---

**From:** Richard Guerin  
**Sent:** 04 February 2025 7:59 PM  
**To:** council@northernbeaches.nsw.gov.au  
**Subject:** Submission for DA2024/1814

Dear Northern Beaches Council,

Please find attached submission in respect of DA2024/1814 which is a property directly in front of us.

Regards,

Richard

Mr & Mrs R Guerin, owners 16 McDonald Street Freshwater

---

Dear Development Assessment Team - Northern beaches Council,

16 McDonald St (N16) are the adjoining owners – east facing and immediately behind N20 McDonald Street. Having carefully reviewed in depth the DA submission for N20 McDonald Street, N16 have several concerns related to privacy bulk and scale and respectfully request clarifications and a considered review of DA 2024/1814 as the proposal will negatively impact privacy, sunlight and enjoyment of the amenity and on respective neighbouring properties as outlined below.

N16 have sought an independent, professional Town Planner review and assessment of the DA submission to determine how the proposed works will impact N16 as an immediate, adjoining neighbour and any possible non compliances with WLEP and WDCP and a full review of these objectives.

N16 have discussed the primary concerns with the owners of N20 McDonald Street prior to this DA submission with reference to impacts on N16 privacy (overlooking into primary living spaces), building/wall height, noise and light pollution due to number of new windows in close proximity to the joint boundary and trust a considered review of our concerns as outlined below to enable both N16 and N20 to enjoy privacy and retain access to residential amenities and street appeal for McDonald street.

N16 request that the Assessing Officer visit our property to assess the potential overlooking issues into N16 Habitable spaces by the proposed DA.

#### **Layout of N16 McDonald in relation to N20 McDonald Street**

N16 entrance is from McDonald Street and extends to the rear of N20.

At the rear of N16 property is a Pool and deck areas 1 meter from the fence line with space for vegetation. The rear wall of N20 is circa 1 meter from the boundary fence line with a pathway between the rear wall and fence.



## **Review and assessment of DA 2024/1814 and Impacts to N16 McDonald Street:**

1. Independent assessment summary
  - a. WLEP2011- Item with LEP Non – compliance
  - b. WDCP – Items with potential issues with council objectives the DCP
2. Impacts to N16 McDonald Street:
  - a. Privacy
  - b. Noise and Light pollution
  - c. Outdoor Entertaining Area
  - d. Bulk and Scale – wall height.
3. Summary

### **1. Independent assessment summary**

#### **a. WLEP2011- Item with LEP Non – compliance**

Building Height: Non-compliance with height restrictions along North South and East facades. The approx. maximum height of 8.81m to the NE corner of the proposed third floor, 314mm over the maximum height allowable.

#### **b. WDCP - Items with potential issues with Council objectives of the DCP are:**

- Front, Rear, and Side Setbacks: The proposal fails to achieve compliance with setback requirements, which are intended to ensure adequate separation between buildings, enhance streetscape character, and mitigate impacts on neighbouring properties.
- Wall Heights and Bulk & Scale: The excessive wall heights and overall bulk and scale are inconsistent with the desired built form for the area, contributing to a visually dominant and out-of-character structure.
- Articulation and Design: The lack of sufficient articulation on walls exacerbates the perception of bulk and fails to soften the visual impact of the building.
- Landscaped Open Space: The shortfall in landscaped open space diminishes the green character of the site and negatively impacts both private and public amenity.
- Privacy and Shadowing: The design does not adequately address privacy concerns for adjacent properties, and preliminary shadowing analysis suggests potential non-compliance with solar access objectives, which are critical for maintaining reasonable residential amenity.
- Side Envelope: Non-Compliant. Eastern elevation depicts large proportion of over 1.5m outside of envelope, this is also evident on the western elevation to a lesser extent.
- National Construction Code (NCC) considerations:
  - Potential non-compliance with fire-rating requirements for walls within 900mm of the boundary.
  - Ceiling heights and window sizes should also be reviewed to confirm adherence to NCC standards.

### **2. Specific Impacts to N16 McDonald Street:**

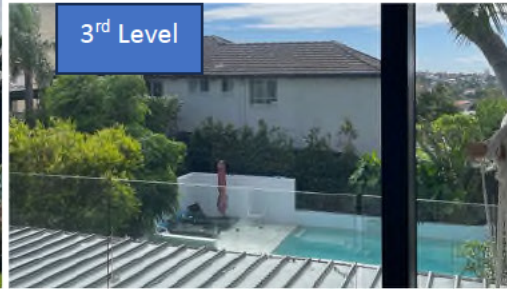
#### **Privacy and overlooking into N16:**

There is currently overlooking into N16 from one primary bedroom window – the remaining windows are a bathroom & toilet as per picture below taken from an internal bedroom. There are 2-bedroom windows facing N18 that are partially screened by N18 hedging.



In the DA proposal, there will be direct overlooking by 3 new windows facing N16 property circa 1 meter from the rear boundary, with overlooking from 8 additional windows which face N18 / or are facing south (including the 3<sup>rd</sup> level), and a south facing bedroom with balcony that will enable views back into N16 liveable areas.

View from N16 rear deck area & from 1<sup>st</sup> floor bedroom at No16. With superimposed new windows and 3<sup>rd</sup> floor.



#### Windows:

1. Window Schedule – clarification and details of the window schedule is required to ensure fixed privacy screens and reduced and overlooking into neighbouring properties N16.
  - GW10, GW11, FW07, FW06, are frosted bathroom louvered windows – once open do not provide any privacy for either resident. Or will enable a silhouette of those using the bathroom when closed.
  - FW05 is a bathroom louvered window – but not noted as frosted, which will pose same issues as above.
  - GW12 is a bedroom clear glass louvered window directly over N16 Pool deck – again will not provide any privacy to either resident, and impact due to noise and light pollution at night.

#### Recommendations:

- It is requested that the proposed N20 windows directly looking into N16 are changed to 'highlight' windows - i.e. windows with a high sill height (above eye level) that can still provide light and airflow but give better privacy (noting the N20 proposed windows also have skylights, to allow for adequate light and airflow) and consider fixed aluminium privacy screens similar to N18 and consistent with other properties within the Freshwater area and as instructed by Northern Beaches Council to ensure privacy, reduce light and noise for adjoining N16 and N 18 neighbours.



#### N20 Elevated Entrance:



The entrance to N20 includes multiple steps up to the front door to RL of 62.56. The RL of the west boundary line as per survey is 60.91 + 1.8m fenceline = fence height of 62.71.

The elevations of the steps enable overlooking of the fence line directly across N18 into N16 private living areas and security concerns as it opens onto a public access area - car parking area which could cause security issues.

It is asked that sufficient vegetation / screening is installed in this area to reduce overlooking and direct sightlines to our private living areas and alleviate any security risks.



#### b. Noise and Light pollution

The windows as currently designed are 1m to the boundary and at elevation that will not provide any noise barrier or prevent Light pollution from N20.

#### Recommendations:

N16 ask as mentioned above and have discussed with N20 to changing the windows that overlook to awning windows above eyeline which is standard in other development applications.

#### c. Outdoor Entertaining Area

N16 concerns relate to the proposed heights of the roof, and if the RL's noted are correct, the proposed covered outdoor entertaining area is circa 1m from the rear boundary line and will reach to 3.2M above existing ground level (circa 5m above natural ground level on N16), which will be visually imposing and question if this is within Council height regulations and set back guidelines?



- The RL of the highest point of the current green space to the south of the building is 59.35 as per survey.
- The FFL of the outdoor area is 59.86 therefore the floor level will be raised by half a meter (+0.51).
- The roof will be RL of 62.56 = 3.21 above the high point of existing ground level.
- The current fence is RL 59.36 + 1.8m = 61.16 – therefore the roofline will be 1.4m above the fence line – only one meter away.

#### Recommendations / Questions:

1. N16 request confirmation these RL's are correct in the plans – confirming if the Fixed Floor Level (FFL) will be raised 0.5m and to confirm the roof level will be 1.4M over the existing fence line and 1.043 from the fence line?
2. Does this outdoor covered area meet Council rear set back guidelines?

3. If the above is correct N16 request a solid fixed privacy screen (of natural colour, agreeable to both N20 & N16) e.g. wall to the roof line to prevent overlooking into private space, limit noise and light pollution given the proximity to the fence line.

#### **d. Bulk & Scale - Increase of wall heights:**

- The DA requires the existing roof to be removed and replaced with a flat roof.
- While this is welcomed, it noted the roofline highest point (circa 4m) in front of N16 property will reduce by 750MM, though vertical wall height (1.2m from the rear boundary) will increase by 850mm along the rear boundary line, with new roofline 850mm from the rear boundary line - increasing the bulk and scale of N20 encroaching along the whole boundary of N16 and N18.
- Also noting the 3<sup>rd</sup> floor addition whilst not directly in front of N 16 but will be a visibly imposing structure and visible from all N16 habitable living areas with no set back.
- If Solar Panels will be installed on the roof location dependent on angles this will cause an increased roof heights and bulk and scale, negatively impact aspect given the changed roof heights.
- The current design of N20 will also significantly restricts sun onto N16 pool and deck area until sun is directly overhead (mid-day) during summer, the increase in wall height will increase this shading for N16 throughout the garden and is expected will reduce to the minimum 3hrs between 9am to 3pm.
- **Independent Articulation and Design:** The lack of sufficient articulation on walls exacerbates the perception of bulk and fails to soften the visual impact of the building.

#### **RECOMMENDATIONS/ REQUESTS**

- Request the appearance of bulk is reduced as much as possible given the limitations of growing vegetation in this area. And setback requirements are reviewed.

#### **3.Summary**

- In essence the proposed works to extend the property do not meet many of the objectives and numerical compliance requirements of the councils DCP & LEP, with a non-compliance with the mandatory LEP Building height restriction adding to the proposal not meeting the objectives of bulk and scale.
- The proposed development substantially deviates from the council's established controls and objectives. These deviations collectively result in a design that:
  - Fails to respect the existing character and scale of the neighbourhood.
  - Creates adverse impacts on the amenity of adjacent properties.
  - Sets a concerning precedent for future developments in the area.
  - Impacts on privacy, overlooking, shadowing and noise and light pollution.

It is recommended in respect to N16 McDonald Street and neighbouring properties, N20 McDonald Street undertake revisions to the design to achieve compliance with the LEP and DCP, aligning the proposal with council objectives for orderly development and sustainable urban design.

We are happy to discuss the above with council to onsite.

R&G Guerin.