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RE: DA2019/1489 - 30 Narrabeen Park Parade WARRIEWOOD NSW 2102

Please accept the following document which presents our concerns about the proposal of the building of a secondary dwelling on our neighbouring property.

Firstly, the Application for Developmental Consent form states in the Description of Work as being 'For the proposed demolition of an existing garage and the construction of a secondary dwelling, workshop, carport, driveway, swimming pool.'

Later in the proposal it states that the garage is going to be altered and that the workshop is an office. We note the many errors and contradictions throughout the 'Statement of Environmental Effects', making it very difficult to determine what the applicant is actually proposing to do. A clear, detailed floor plan of the secondary dwelling to clarify the outcomes of the development would be helpful but this has not been provided.

1.0 Introduction

In the first paragraph of the introduction it states that the proposal will see the demolition of the existing garage. We also draw your attention to the omission of vital information in relation to several planning controls and policies that were not seen as 'relevant' by the applicant. This is particularly so in Control C1.11, D14.7 and D14.13.

3.0 Site Description

Fig. 3 shows a view of the neighbouring carport at street level. We note the view of this photograph is looking from the south-east, not from the north-west as stated in the proposal.

5.0 Proposed Development

The proposal states that it will see the re-use of the existing brick and weatherboard garage. We note a contradiction between this statement and that provided in '1.0 Introduction' that states the existing garage will be demolished.

The proposal states there will be both a small study and an office. We question the need for both given that the secondary dwelling is meant to be a 'granny flat'.

The proposal states that an office and pool bathroom facilities will be provided to the eastern side of the new secondary dwelling. We question where that will be given that the eastern side of the secondary dwelling already has an excavated undercroft right on the boundary.

Development Indices

Site area 590.2m²

Required landscape area 60% or 354.12m²

Proposed landscape area 42.07% or 248.30m²

We have noted the percentage of required landscape area to hard surface area is 60% - 42.07% and the proposed landscape area to hard surface area is 42.07% - 60%. The percentages of these figures are in reverse and demonstrate a disregard of the Council DCP.

The total surface area of the proposal adds up to 102.07%. This figure is impossible.

Clause 4.3 - Height of Buildings

The proposal claims to present a height of up to 6m and that the new structure is within these limits.

Clause 4.3 (2FA) restricts the maximum height of a detached secondary dwelling in the E4 Environmental Living Zone to 5.5m. Our calculation of the height of the secondary dwelling is 8.5m of solid structure from the western aspect including the carport as it is not of open style construction but a solid structure with window type openings and screens. This is visible from our deck and outdoor entertainment area. Our view of the structure to the south proposes a height of approximately 6.5m of solid structure including the carport as it is not of open style construction but a solid structure with window like openings and screens. We question the need for a carport of such height. The proposal exceeds Council regulations and the bulk and scale of the structure will have a detrimental impact on our amenity. The imposing structure will invade our privacy. It will also greatly reduce natural light to the living areas of our home and completely block any airflow from the south. Both natural light and southern airflow are imperative sustainability features in our home and essential given the critical situation with today's climate and global warming.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The proposal claims that the secondary dwelling will have a floor area of 60m² which complies with Council's control of 60m².

We question the area of the proposed secondary dwelling as according to the plans, the site coverage is 97.07m². Even with the deduction of the dimension for the area of the driveway, the total floor area plan needs to include the floor area of the lower story of the development.

The bulk and scale of the proposed dwelling will have negative consequences to our amenity as our privacy will be invaded. It will also greatly reduce natural light to the living areas on the southern side of our home and completely block any airflow from the south. Both natural light and southern airflow are imperative sustainability features in our home and essential given the critical situation with today's climate and global warming.

Clause 7.1 - Acid Sulfate Soils

The proposal states there will not be any excavation of the site. It is obvious from looking at the plans that excavation for the undercroft area of the building and the pool will be significant. As the soil is acid sulfate we are gravely concerned about toxic dust particles from the excavation coming into our home and the ill effects on our health. We question the need for a geotechnical report if no excavation is being done at the site.

Clause 7.2 - Earthworks

This clause states that the proposed new works will not require any excavation.

It is clear to us when looking at the plans that significant excavation will be required for the undercroft area of the building and also for the pool. This will have a significant negative impact on our amenity by the associated noise and the concern for our health when excavation inevitably encounters acid sulfate soil.

Clause 7.7- Geotechnical Hazards

The proposal states that there will be no geotechnical hazards.

We have read the geotechnical report and have noted that the risk to our property and carport is moderate. We question who will be liable if there is any damage to our property; Northern Beaches Council, White Geotechnical Group or Mr Boniface Kain. We request a dilapidation report as we see this most necessary in protecting our safety and our asset. We also note that the northern neighbour (me) is quoted as saying that he found rock when he excavated. This is not accurate information given that when the neighbouring open style carport was constructed, only pier footings were drilled and no excavation was necessary.

6.6.1 Section A Introduction D14 Warriewood Locality

The proposal states that the project will retain the existing substantial area of soft landscaping. It also states that the proposal is consistent with the desired character of the locality by providing alterations to an existing dwelling which maintains consistency with the scale and style of development in the vicinity. The proposal states that the new carport is modest in extent.

This statement is a complete contradiction to the figures given in 5.0 Proposed Development where it is apparent that the proposal will not retain the existing substantial area of soft landscaping. This reinforces the gross disregard of the Council Planning Control. The setback for the zone is 6.5m. The proposal does not maintain this regulation given that the setback for the carport is 1006mm and the structure is being constructed directly underneath. We note that this clause states that an existing dwelling (does this mean the garage?) will be altered but '1.0 Introduction' states that the existing garage will be demolished. We question whether the current garage is being demolished or altered. We also note the sheer height of the carport in the proposal and that it is significantly higher than the carport on the neighbouring property. The carport is not of open style construction structure similar to the neighbouring carport as it has walls with window like openings and screens.

The scale and style of the development is not in keeping with the locality as all other properties in the zone have a substantial setback. This will affect our amenity in a negative way by greatly reducing natural light to the living areas of our home and completely blocking any airflow from the south. Both natural light and southern airflow are imperative sustainability features in our home and essential given the critical situation with today's climate and global warming. The bulk and scale of the development will be an unsightly mass from the southern aspect of our home. The development will not retain the existing substantial area of soft landscaping as stated in the proposal.

B6.3 Off-street Vehicle Parking Requirements

The control seeks to achieve safe and convenient parking.

The variation to the DCP requirements for the additional off street parking space being requested is unacceptable and will not achieve safe and convenient parking. As the main dwelling has 3 bedrooms and the secondary dwelling has several rooms with provision that the 'office' (with bathroom facilities) could be used as another bedroom, the off street parking is NOT adequate for the potential number of vehicles in the household. It is obvious that the carport has not been designed to accommodate cars from the main dwelling as there is no easy access.

As the street is quite narrow, especially since the footpath was constructed on the eastern side of the street, the number of vehicles parked in the street is already a hazard. If cars are parked on both sides of the street, there is not enough room for moving cars to simultaneously pass. The road has also become much busier in recent years with the addition of several sets of traffic lights on the main road and motorists using Narrabeen Park Parade as an alternative route to avoid these lights and school zones.

B8.1 Construction & Demolition - Excavation and Landfill

This control seeks to achieve outcomes that the site disturbance is minimised and excavation and construction to not have an adverse impact.

The proposal states that works will involve some excavation to allow for the undercroft area to the carport to be developed. This statement is a complete contradiction to that of Clause 7.1 - Acid Sulfate Soil which states that the new works will not require any excavation. It is obvious when viewing the plans that significant excavation will be required for the undercroft areas of the building and for the pool.

Again, we have read the geotechnical report and have noted that the risk to our property and carport is moderate. We question who will be liable if there is any damage to our property; Northern Beaches Council, White Geotechnical Group or Mr Boniface Kain. We request a dilapidation report as we see this most necessary in protecting our safety and our asset.

The excavation will have particular negative impact on our amenity as the noise from the procedures will be considerable and we are gravely concerned about the ill effects of toxic dirt particles from acid sulfate soil invading our home.

C1.3 View Sharing

This control seeks to achieve a reasonable sharing of views amongst dwellings and that views and vistas from roads and public places to views are to be protected, maintained and where possible, enhanced.

The application claims that there will be no significant implications on the views enjoyed by the neighbouring properties. The proposal will negatively impact upon our enjoyment of the views as the new building will be very close to our living areas and the outdoor entertainment area on our deck. The imposing windows in the new building will overlook our property and will be an invasion of our privacy when using this space and our subsequent enjoyment of the views. Our south western views of the area from our carport will be completely obstructed by the proposed

carport due to its bulk and scale. It is not of open style construction but a solid structure with window like openings and screens. The carport is also approximately 8m long. The western views from the Bicentennial Coastal Walk on the eastern footpath of Narrabeen Park Parade will be obstructed by the proposed carport being built right next to the existing neighbouring carport. The bulk and scale of two carports together will dominate the streetscape and is not compatible with the existing character of the area.

C1.5 Visual Privacy

This control seeks to achieve outcomes ensuring that private open space, recreation areas and living rooms within 9m of a development are suitably protected to limit the effects of direct overlooking.

We see the proposal as an invasion of our visual privacy. The substantial windows on the northern side will directly overlook the entire side of our home; our bedroom, bathroom, lounge room and the outdoor living area on our deck. It will also directly overlook the courtyard/outdoor living area at the side of our home. The proposed height of the window sills is 1800mm to supposedly minimise the potential overlooking to our dwelling. We note that any average sized man would easily be able to look into our property from windows with a sill of that height.

We also note that the total area for the north facing windows overlooking our property is a significant 3.64m².

The proposed west facing windows are also substantial. There are two, floor to ceiling windows measuring 2400mm x 800mm. Again, these two west facing windows invade our privacy by overlooking the outdoor entertainment area on our deck and the courtyard/outdoor living area at the side of our home.

As the structure does not comply with the Council regulation of 1.0m for a side boundary, there should be no windows in the northern wall to protect the privacy of the neighbouring northern property.

The window like openings in the carport do not need to be covered by screens for our privacy as suggested because the carport is not a dwelling.

C1.6 Acoustic Privacy

This control seeks to achieve the outcomes of noise being contained within each dwelling and that noise from any communal or recreational areas is limited.

The proposal will not achieve this outcome as the new building will be so close to our home that acoustic privacy is not guaranteed. We will be able to hear noise from the living area, bedroom, bathroom and 'office' in the new residence and they in turn will hear all our living noise and private conversations. We see this as an invasion of our privacy and will be detrimental to our amenity.

We note the inclusion of a large air conditioning unit less than 900mm from the boundary and right outside the bedroom and living areas of our home. The proposal also claims the pool filter will be situated under the carport which is very close to our bedroom. Both the air conditioning unit and pool filter will drastically impact our acoustic privacy and have a negative impact on our amenity.

C1.7 Private Open Space

The proposal states that the pool, attached gazebo and outdoor recreational area will see a significant improvement in the quality of the outdoor recreation space.

This might be the case for the developer but the bulk and scale of the structure will negatively effect our amenity by drastically impeding upon the quality of our outdoor recreation space. When using our front courtyard area we will be subjected to the sight of a huge, solid structure on our southern side. As the legal setback for residential buildings is being ignored, the open space that is usually provided by the setback will be completely closed. The amenity of our outdoor area and barbecue area will also be ruined by the development not complying with Council boundary regulations. It will overlook the private open space on both our deck and southern courtyard.

C1.11 Secondary Dwellings and Rural Worker's Dwelling

The control seeks to achieve limitation of the visual bulk and scale of the development. The control states that a secondary dwelling cannot have more than two (2) bedrooms and one (1) bathroom.

Variations: nil

The proposal claims that the secondary dwelling has a modest one storey scale as viewed from the street but the view of the new building from our property will not be one-storey, it will be three storeys high. This is because the carport is not of open style construction but closed in with window like openings and screens. The imposing bulk and scale of this structure will be detrimental to the enjoyment of our amenity. The proposed windows will allow for an invasion of our privacy. The significant structure will block natural light to the rooms on the southern side of our home; our bedroom, bathroom and lounge room. This will force us to use more electrical lighting in these rooms and an increase in our power bill is inevitable. The bulk and scale of the structure will completely block any breeze from the south and we will be forced to install air conditioning. The use of extra electricity is not in accordance with the sustainability features of our home which are critical in this current climate and used to reduce our carbon footprint.

The proposal claims the secondary dwelling as having an open plan living, kitchen, bathroom, bedroom, study, office, pool bathroom facilities, workshop and storage area. This grossly exceeds Council regulations for a secondary dwelling. Council states there are to be no variations to this control.

6.6.4 Section D Locality Specific Development Controls

The proposal claims to be well designed, comprehensive and consistent with the community's vision for development in Pittwater. It also claims that the proposal maintains existing views and amenity to adjoining properties.

The proposed construction of the neighbouring dwelling will negatively impact the amenity of our home due to the invasion of our privacy, reduced natural light and the complete blockage of our southern breeze. It will affect our enjoyment of the views and ability to utilise our outdoor living and entertainment area as the imposing windows will overlook this area on our deck. The reduced natural light and the complete blockage of the southern air flow will make a significant negative impact on the sustainability features of our home. This is not in keeping with the community's vision for development and infrastructure in Pittwater as described throughout the 'Northern Beaches 2040 Planning Our Sustainable Future' booklet. The booklet states, "There

are many cogs in the wheel. We need to consider many different elements when we plan for the future." Cog 1 as priority then lists that Sustainability: environment, open space and energy are of utmost importance.

D14.1 Character As Viewed From A Public Place

The control seeks to achieve the desired future character of the Locality by ensuring that new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. It also seeks for buildings to give the appearance of being two-storey maximum.

The view of the new building from our property will be three storeys high given that the carport is not of open style construction similar to the neighbouring carport and has window like openings and screens. The imposing bulk, scale and close proximity of this structure to our home will be detrimental to the enjoyment of our amenity. The size of the proposed windows and their arrangement will allow for an invasion of our privacy. The significant, solid structure will block natural light to the rooms on the southern side of our home; our bedroom, bathroom and lounge room. This will force us to use more electrical lighting in these rooms and an increase in our power bill is inevitable. We will be forced to install air conditioning due to the complete blockage of our southern air flow. This impedes upon our sustainability practices and concerns for global warming. The construction of a carport directly next to the carport on the neighbouring property is not compatible with the existing character of the area as there will be no spatial separation between structures. The bulk and scale of two carports together on the front boundary of Narrabeen Park Parade will not be aesthetically pleasing to the community as they will dominate the streetscape. The existing soft landscaping will not be enhanced as suggested in the proposal.

D14.7 Front Building Line

This control seeks to achieve the desired future character of the Locality, ensure equitable preservation of views and vistas to private places, improve pedestrian amenity and to ensure that the new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.

We feel that the proposal grossly exceeds Council regulations in this instance. Although the carport slightly exceeds the setback of the adjacent carport, the control to achieve the outcome to provide a setback of 6.5m for a habitable dwelling is not within Council regulations. Council states that residential buildings should have a setback of 6.5m and the proposed residential section of this structure will have a setback of between 1006mm-1205mm to the front boundary. A breach of this regulation will set an undesirable precedent for this residential zone. Council also states that where car parking is to be provided on steeply sloping sites, reduced or nil setbacks for car parking structures and spaces may be considered, however, **ALL OTHER STRUCTURES ON THE SITE MUST SATISFY OR EXCEED THE MINIMUM BUILDING LINE APPLICABLE.**

This will largely affect our enjoyment of our amenity as the proposed dwelling is an imposing structure with windows overlooking the entire side of our home, outdoor courtyard and the outdoor living area on our deck. This will be an invasion of our privacy. The structure will also block much natural light to the bedroom, bathroom and lounge room of our home and its close proximity will have a negative impact on our acoustic privacy. The bulk and scale of the structure will completely block any breeze from the south and we will be forced to install air conditioning. The use of extra electricity is not in accordance with the sustainability features of

our home which are critical in this current climate and concerns about global warming. The position of the western windows of the proposed structure will impede upon our enjoyment of the views and our ability to utilise this area as will have no privacy when using the outdoor entertainment area on our deck.

Pedestrian amenity and safety will be compromised due to the potential number of cars requiring parking in the street given the large number of bedrooms on the site.

D14.8 Side and rear building line

This control seeks to achieve the desired future character of the Locality, ensure that the bulk and scale of the built form is minimised, ensure equitable preservation of views and vistas, and to ensure a reasonable level of privacy and amenity is maintained to residential properties.

The Council regulation of a minimum side boundary is 1.0m. The applicant states that the proposed structure will have a side setback of 900mm. Although this is supposedly in keeping with the current structure, the current structure is a small garage and not a dwelling. We note that the use for the current structure will change and thus, as a residential dwelling, should adhere to the Council side boundary of 1.0m. On closer inspection of the detailed survey plan submitted, we note that the current structure is not even 900mm but 893mm from the boundary on the north eastern corner, reducing down to 794mm on its north western corner. The pergola of the main house on the property has posts with a 900mm setback but these are not the setting of the house. The pergola with hard roof (right up to the fence) was built by the former owner without Council approval several years ago. If the current garage is to be demolished as is stated several times early in the proposal, a 1.0m setback for the new dwelling is Council regulation.

Building within the Council regulation of a 1.0m setback will have a negative impact on our amenity. The proposed residential structure will be too close to our property and invade our privacy on the southern side of our home. The structure will be extremely close to the outdoor entertainment area on our deck, also invading our privacy and impeding upon our enjoyment of the views. The close proximity of the structure will reduce the amount of natural light into our main bedroom, bathroom and lounge room. The bulk and scale of the structure will completely block any breeze from the south and we will be forced to install air conditioning. The use of extra electricity is not in accordance with the sustainability features of our home which are critical in this current climate and concerns about global warming. The construction of the structure within the boundary will present acoustic privacy and noise issues.

D14.11 Building Envelope

This control seeks to achieve the desired future character of the Locality, ensure that the bulk and scale of the built form is minimised, ensure equitable preservation of views and vistas, and to ensure a reasonable level of privacy and amenity is maintained to residential properties.

We note a non-compliance with the building height plane controls with portions of the carport and secondary dwelling to the northern boundary. This is because the carport is not of open style construction and has window like openings with screens. This will have a negative impact on our amenity as the bulk and scale of the structure will impose on our privacy and minimise natural light to the rooms on the southern side of our home. The bulk and scale of the structure will completely block any breeze from the south and we will be forced to install air conditioning. The use of extra electricity is not in accordance with the sustainability features of our home which are critical in this current climate and concerns about global warming. The construction

of the structure within the boundary will present acoustic privacy and noise issues.

D14.13 Landscaped Area - Environmentally Sensitive Land

This control seeks to achieve the desired future character of the Locality, that the bulk and scale of the built form is minimised and that soft surface is maximised to provide for infiltration of water to the water table, minimise run off and assist with stormwater management.

We note that the proposal will result in a soft landscaped area of 42.07%. This is not in accordance and grossly under the Council regulation of 60%. The proposal is also requesting an additional 35.41m² for paved recreational space (thus hard surface) which will result in a total soft landscaped area of 283.71m² or 48.07%. This figure is still grossly under the Council regulation of 60% for soft surfaces. We also note that according to Council documents, the additional 6% requested is only applicable for single dwellings not secondary dwellings.

7.3 Any developmental control plan

This proposal seeks that Council applies considerable flexibility where the application seeks variation to numerical development controls in the DCP and that the alternatives are a reasonable alternative solution to compliance.

We see the proposal as a gross non-compliance of Council regulations on all fronts. The height and boundaries of the proposed structure are not a reasonable alternative. The carport is not of open style construction and has window like openings with screens. The bulk and scale of the proposed structure will greatly impede on our amenity. It will invade our privacy, create noise within close proximity to our home, reduce the amount of natural light available to our southern rooms and completely block the airflow from the south. The use of extra electricity for light and the inevitable installation of air conditioning in our home are not in accordance with the sustainability features of our home. Sustainability features are critical in this current climate and concerns about global warming.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

The proposal claims that the development will not unreasonably impact upon the amenity of adjoining properties.

We see an invasion of our privacy, increased noise, reduced light and the complete blockage of our southern airflow due to the construction of an obtrusive secondary dwelling on our neighbouring property to be unreasonable. Council has regulations for building and development for good reason and the non-compliance of the regulations in this proposal is greatly detrimental to our amenity.

8.0 Conclusion

The proposal claims to maintain the neighbours' amenity.

We see an invasion of our privacy, increased noise, reduced light and the complete blockage of the southern airflow to our home from the construction of an obtrusive secondary dwelling on our neighbouring property to be unreasonable. Council has laws and regulations for building and the non-compliance of controls in this proposal is greatly detrimental to our amenity.

We are open to the building of a double carport of open style construction (similar to our carport) that will facilitate the safe parking of cars by our neighbour but feel the construction of a secondary dwelling at the site is a major impeachment of the Council DCP. We suggest that Mr Boniface Kain considers building a carport of open style construction on the southern boundary of his land to avoid the bulk and scale of two carports being directly next to each other. This will maintain the attractive streetscape and existing character of the area.

We expect Council regulations to be adhered to as the protection of our safety and the amenity of our home is our democratic right.

We cordially invite you to our home to inspect the proposed site and to discuss our concerns in person.

Thanking you,
Matthew and Corinne Carter