
Sent: 15/07/2020 1:06:45 PM
Subject: FW: DA2020/0291
Attachments: Objection Letter 4.pdf;

Hi Penny,

See attached response letter to the amended plans.

The minor amendment has done little to address the issues that we've previously raised. Since the assessment is based on a collective input from council staff and planners, could we request a meeting with you and your senior planner please?
We would be happy to facilitate the meeting at our place.

Thank you and Kind Regards,
Phil and Colleen Brannigan

From: Phil Brannigan [mailto:barrells@bigpond.com]
Sent: Tuesday, 14 July 2020 8:02 PM
To: 'Penny Wood'
Cc: 'Sheralee Hogan'
Subject: RE: DA2020/0291

Hi Penny,

Thank you for your email and advice.

We will view the emended plans and respond if required.

Kind regards,
Phil & Colleen

From: Penny Wood [mailto:Penny.Wood@northernbeaches.nsw.gov.au]
Sent: Tuesday, 14 July 2020 7:46 PM
To: Phil Brannigan <barrells@bigpond.com>
Subject: RE: DA2020/0291

Hi Phil,

I hope you are well.

Just wanted to let you know that the applicant has submitted amended plans for 24 Carlton Street, Freshwater. They are online if you wish to view them.

I am hoping to finalise my assessment in a couple of days.

Thanks Phil.

Kind regards,

Penny Wood

Planner

Development Assessment

t 02 8495 6490

penny.wood@northernbeaches.nsw.gov.au

northernbeaches.nsw.gov.au



From: Phil Brannigan <barrells@bigpond.com>
Sent: Monday, 29 June 2020 11:46 AM
To: Penny Wood <Penny.Wood@northernbeaches.nsw.gov.au>
Cc: 'Sheralee Hogan' <sheralee.ssd@bigpond.com>
Subject: FW: DA2020/0291

Dear Penny,

We trust that you are well.

Would you be able to call me and provide some feedback regarding our communications.

Thank you and kind regards,
Phil & Colleen Brannigan

From: [Sheralee Hogan](#)
Sent: Friday, 12 June 2020 10:10 AM
To: [Penny Wood](#)
Subject: DA2020/0291

Dear Penny

Thank you for the clarification on the location of the height poles set up at number 24 Carlton St, Freshwater. Phil Brannigan measured from the boundary fence and found the pole to be 4.4m from the front of the house, which is how the drawing scales, however as there are no dimensions regarding this on the plans, it is an estimate.

As mentioned in our letter of objection we believe that the proposal is unreasonable due its many non compliances, resulting in a devastating loss of view from the Kitchen and primary Living room south facing windows of number 26 Carlton St, which is confirmed when following the four step process of Tenacity Consulting V's Warringah 2004. The non compliance with D1 Landscape open space could be reduced with the front wall setback being increased, which would also aid in reducing the non compliance with D9 Bulk and scale, with this excessively long two storey wall to the north that has no relief. Finally the location of the master bedroom north facing window, and deck looking directly into the living room of number 26 is also an issue of

prime concern which needs to be addressed.

We hope a compromise on the design with a new increased street front setback, and reduced deck size will result in a built form acceptable to all parties involved. We thank you for all your extra time and attention on this project, including the many site visits especially during this unusual time of Covid 19.

Best Regards

Sheralee Hogan B.Sc(Arch) B.(Arch) U.Syd

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Northern Beaches Council

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Sheralee.ssd@bigpond.com
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Northern Beaches Council
Re.DA 2020/0291

Dear Penny Wood,

This objection to the development application DA2020/0291 for 24 Carlton Street, Freshwater, is written on behalf of the owners of 26 Carlton Street, Freshwater, Phillip and Colleen Brannigan.

We really appreciate council requesting the modification/amendments to the original proposal from 24 Carlton Street, Freshwater, which we believed was to help address some of our concerns regarding excessive bulk and scale, lack of privacy between dwellings, and the water views which will be lost from the Kitchen and primary Living space of number 26. The small reduction in the front first floor deck, **does nothing to address the issues raised**. The excessive and **non compliant building bulk** is still unchanged with the walls in the same location, and the roof and eaves unchanged. The opaque glass is an attempt to address privacy, however the window (W09) is still directly adjacent and overlooking the primary rear deck and is within 2m of it which again is **non compliant for privacy**, and has not included any attempt to address this issue.

We believe the amended plans (rev A June 2020) for the Development Application for additions and alterations to 24 Carlton Street Freshwater are still **exceedingly non-compliant** and the proposal will still unreasonably reduce the amenity of the neighbouring dwelling at number 26 Carlton Street.

Firstly as previously mentioned the northern wall of the proposal is not compliant in meeting the objectives set out in **B3 Side Boundary Envelopes and D9 Building Bulk**. The wall is over 18.8m in length, is a continuous two storey wall 7m high with no relief in the façade and runs along more than 50% of the site, with only a 1.1m setback from the northern boundary. This wall is not only visually dominant, having no modulation or relief, but does not allow privacy between dwellings due to the minimal spatial separation between the dwellings(2m), which is not large enough for landscape screening to be introduced to soften the facade. This northern wall will run along the length of the neighbouring pool, and primary outdoor living space, creating a walled enclosure for the backyard of number 26 due to the rising topography and imposing house already located on the northern side of the site.

Secondly the proposal is not compliant in meeting the objectives set out in **D1 Landscape Open Space and Bushland Setting**. As previously mentioned above the proposed front carport and path design takes up more than 50% of the width of the site, reducing the ability to add streetscape planting, conserve any topographical features (rock outcrops) or existing

vegetation. The proposed soft landscape area is 47m² at the front of the dwelling and 22m² at the rear, equating to only 28.5% of the site, well under the 40% requirement. The carport now being located on the northern boundary also adds additional built form to this common boundary, further impacting the amenity of the neighbouring property which will now have built structures along **65% of the boundary less than 1.1m away**.

Thirdly the proposal is still not compliant in meeting the objectives set out in **D8 Privacy**. The new windows in the northern wall of the bedroom is located to allow direct looking into the neighbours primary deck at number 26 Carlton Street, less than 2m away.



Looking South from pool at neighbouring height poles.

The loss of views from the proposed first floor addition will be devastating to the owners and occupants of number 26 Carlton Street. When assessing the impact regarding a loss of view we need to apply the four step process as set out in Tenacity Consulting v's Warringah(2004) NSWLEC 140. The four steps reveal the view being a water view is highly desirable, the view is from a standing position in the kitchen, and primary living space, and the impact of view loss is catastrophic.

The fourth and final step is to look at the reasonableness of the proposal, and **how compliant** it is. The proposal is not only non-compliant in bulk and scale referencing **WDCP B3 Side Boundary Envelopes and D9 Building Bulk** ;

- To ensure that the development does not become visually dominant by virtue of its height and bulk
- To ensure adequate light and spatial separation between buildings
- Side and rear setbacks are increased as wall height increases

- Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief
- Articulate walls to reduce building mass

But it is also non-compliant with meeting the objectives setout in **WDCP D8 Privacy**;

- The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass
- The windows of one dwelling are to be located so they do not provide direct or close views (ie less than 9m away) into the windows of other dwellings

As discussed the existing view is a water view from the sun filled kitchen and primary living room which ~~will be completely lost if the proposal is approved in its current form~~. This is not only unreasonable, but will be devastating to the owner and their wellbeing. Again we believe a good compromise is that the first floor front wall setback should be increased and the roof eave reduced to allow this view to be partially retained and external blinds added to the bedrooms for privacy.

Our request is for further amendments to be made to the current application that will **actually** address our issues raised and the reduce the non-compliances of bulk and scale and privacy. That the front wall setback and east facing eave to be increased by 500mm and reduce the overall wall length of the house to **partially** reduce the bulk and finally to reduce the large bedroom deck from 1.4m to 600mm, along with the eave, to be **complimentary** to the neighbouring deck proposed at number 22, which will again assist in reducing the non-compliance of the bulk and scale, and **privacy** and will allow for a partial ocean view from number 26 to be retained.

If the application is approved in its current form, we will have no hesitation in taking further action against council.

Regards

Sheralee Hogan

Sheralee Hogan B.Sc(Arch)B.(Arch) U.Syd
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