

**From:** "julie smeal" [REDACTED]  
**Sent:** 4/10/2021 9:52 PM  
**To:** "Council Northernbeaches Mailbox"  
<Council.Northernbeaches@northernbeaches.nsw.gov.au>  
**Subject:** DA2021/1043  
**Attachments:** Amended DA2021 Submission.docx

To whom it may concern,  
Please find attached our submission regarding the revised proposed development at 43 Warraba Rd, North  
Narrabeen – DA2021/1043.

Regards,  
Matthew & Julie Smeal  
41 Warraba Rd  
North Narrabeen



**DA2021/1043 at 43 Warraba Rd North Narrabeen**

As a neighbouring property to No.43 Warraba Road, we have received and reviewed the new documentation outlining the revised development proposal and we still have several concerns. We feel that the 2-storey addition now proposed close to our boundary on our North side (behind the proposed garage) will have a significant adverse impact on our amenity in terms of privacy and sunlight. We also still feel that the amount of site coverage will be detrimental to the natural environment and have possible drainage implications for our property, and that it is still understated on the calculations provided with the new plans. There is non-compliance with several development standards which will have significant impact on us. The statement of environmental effects submitted as part of the proposal was not amended to match these new plans, and does not acknowledge several of these compliance issues, and the applicants have provided no justification for the areas of non-compliance that will affect us.

**Privacy**

The rear deck on the second floor now extends close to our boundary, and will directly overlook the private open space in our backyard from quite a short distance. The side windows of the second storey facing our house, specifically the two tall windows near our boundary, will overlook both our indoor and outdoor living areas.

**Solar Access**

With the proposed development being on our North side, the second storey which has been extended close to our boundary (behind the garage) in these revised plans will mean the windows to our principal living area will lose a substantial amount of sunlight. The rudimentary shadow diagrams submitted with the application show this to an extent. One of the windows of our principal living area, however, is not shown accurately in width or height on these shadow diagrams. The eaves of the proposed development have not been included on these shadow diagrams, but their shadowing effect should also be taken into account. Under the new plans, our two North-facing windows which are responsible for providing substantial natural light and warmth to our main living area, will be in shadow by 11am during the winter months. This will require a dramatic increase in artificial lighting and heating of our home during this time and lighting year-round. These are the only windows that provide sunlight to our principal living area between 9am and 3 pm at this time of year. Looking at the height of the building proposed, taking into account the eaves, and performing some of our own calculations based on the distance between their proposed eaves and our house, the heights of the windows to our principal living area that receive sunlight, and the position of the sun in mid-winter it appears that both the North facing windows to our principal living area (which currently enjoy sun from 9am until 3pm on the winter solstice) will be mostly if not completely in shadow by 11am if the proposed development goes ahead, and will certainly not enjoy the three hours of sunlight to half their area which council's solar access policy requires. This will require greater artificial heating. We feel that protecting our solar access could have been achieved quite easily by setting back the second storey addition that runs along our Northern boundary and by not adding the extra width to the deck at the rear which has brought it much closer to our boundary and blocks more sunlight from reaching our home. The second storey at the rear which will take away our sunlight does not comply with council's building envelope for the

majority of its length along our boundary. This non-compliance will have significant impact on our amenity and solar access. We feel it could have been avoided with better design. The actual ridge height of the roof is not marked, the slope of the roof is only given in approximation, and the roof in question on our side does not continue to the full extent it would need to on the SE elevation plan submitted to council (according to the second level floor plan). The boundary setbacks are not marked at the start and end of this storey behind the garage, however by estimation, and using the ground level closest to the wall provided on the original survey which most accurately reflects the existing/natural ground level, we estimate the set-back for the second level should be 2.4 or 2.5 metres at its minimum distance from our boundary in order to comply with council's building envelope, whereas the plans appear to show the setback as approximately 1.5 metres at this point. It remains outside the building envelope for the vast majority of its length. The required setback of 2.4 metres is only reached at the point the wall finishes. The sunlight we will lose will not only result in a tremendous loss to the sun on the windows to our principal living area but generally will also make our house much less passive in terms of heating in winter, requiring a greater use of electricity.

### **Drainage and Landscaping**

We are concerned about the environmental impacts of the increased site coverage proposed, and also the implications for the natural drainage of water that could affect our property as we are on the lower side of the proposed development. The applicant has not submitted a new Statement of Environmental Effects for us to be able to respond to, so all we have to go off is the original Statement submitted. We note in the submitted Statement of Environmental Effects section 2.0 that, "The proposed works will be built over existing impervious surface with the attached garage resulting in an increase of 47.3m<sup>2</sup> to the built upon area". However, when the new plans are examined, both the rear and side addition to the house extends over current lawn area, which still means the additional built upon area would be much larger than claimed.

The new survey submitted shows structures which have recently been constructed but are not included in the new site plan which shows the position of these structures as soft landscaping (e.g. three sheds in the rear yard), and the new site plan provided also still does not show the full extent of the considerable amount of concreting and other work that has recently been completed, which again, will increase the property's impervious area beyond what is claimed. There is a section in the front yard marked as landscaping on the new site plan provided which shows a tree which no longer exists and lawn which has been replaced mostly with concrete. If the sheds and the concreting in the front yard were taken into account, the landscaping non-compliance would be even greater than stated on the new plans (it is claimed there is 45% soft landscaping on these amended plans when we believe 50% is required and the actual soft landscaping will be even less than the 45% stated). In section 3.2.8 of the submitted Statement of Environmental Effects the applicant makes reference to structures such as timber bridges in order to justify any non-compliance, however these structures have since been demolished and replaced with concreting. Our concern is the potential runoff into our property resulting from the decrease in natural landscape. Also, the extra built upon area they are applying for directly impacts us due to

the reduced sunlight and privacy available to our home and yard which will result from the structures contributing to this additional site coverage if the development is permitted.

**Trees and Vegetation**

We note again that a landscape referral has already occurred and been responded to, but we would ask again that this be reconsidered in light of the discrepancy between what is shown on the survey (the new survey still shows two trees close to our boundary which have been cut back to stumps) and what is shown on the new site plan provided compared to what actually exists at the site.

**Inaccuracy and/or omissions in submitted plans and survey**

We feel that with a few minor changes to the plans, the solar access to our principal living area could have easily been maintained. Similarly, by simply leaving the deck at the rear the width it was in the original submission, the impact to our privacy could have been reduced. No justification is provided for the need to exceed the landscaping requirement in the DCP and had the applicant complied with the 50% landscaping requirement by perhaps not extending so far to the rear or so close to our side, much of our amenity, privacy and solar access could have been maintained instead of being lost.

**Non-compliance with development standards:**

The revised development is not contained within the permitted building envelope along our boundary and this will impact our solar access and privacy.

On the new calculations provided there is not enough landscaped area, and with the additional concreting and other construction that is not shown on the site plan the non-compliance is possibly greater than stated. This is detrimental to both our amenity and the natural environment and does not sit well in the low-density residential zoning which applies to our neighbourhood. It may also affect the drainage on our property. We would like council to check the calculations of landscaped area in light of the inaccuracy of the site plan submitted. It is worth noting that the new plans, which include the calculations of site coverage, were completed before the new survey was finalised. This highlights our concern regarding the accuracy of the site plan.

Our principal living area will lose significant sunlight with these revised plans.

Please read this submission as an addition to, not a replacement for, our original submission as some issues remain unchanged from the original design.

We would like to invite a council officer to view the site of the proposed development from our principal living area and outdoor spaces and to allow us to have the chance to explain our position more clearly.

Kind regards,

Matthew and Julie Smeal  
41 Warraba Rd

North Narrabeen  
NSW 2101