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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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16/06/2025

MR Peter Robertson  
- 13 Greenwood AVE  
Narraweena NSW 2099  
[REDACTED]

**RE: DA2025/0561 - 9 Greenwood Avenue NARRAWEENA NSW 2099**

Hi Northern Beaches Council,

I'd like to make a submission in reference to the development application DA 2025/0561, at 9 Greenwood Ave, Narraweena. We look forward to progress and gentrification within our street but have some concerns with the proposed development. We note that this development is being hurried through since the state planning laws have been pushed on local councils, and before Northern Beaches Council could refine the regulations around these laws. Our concerns are as follows:

1. Overlooking/loss of privacy: This ten-bedroom development will have 18 windows facing west towards our house, (and another 18 facing easterly properties) directly into our bedrooms, outdoor entertaining areas, and backyard. This amount of overlooking and reduction in privacy is excessive in our opinion and should be rectified.

Below, reference is made to the "Statement of Environmental Effects" - Warringah Development Control Plan Compliance table.

Compliance of the Control D8 (Privacy) does not sufficiently meet the objectives required in this development.

Control D8, Item 1 states:

"Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties."

The 18 windows on each side of the development does not optimise privacy for the surrounding properties as required in D8 item 1.

The following comment was provided by the developer's assessors when justifying compliance in Control D8 (Privacy):

"Windows at the first floor adjoin rooms of low use and minimises the opportunities for overlooking into adjoining properties. The upper level of each dwelling also provides for an increased setback of 1600m from side boundaries"

This comment does not address the concerns of privacy and overlooking and does not justify compliance as they have reported. In conventional builds (standard homes) bedrooms are not considered rooms of "low use" (as mentioned in the report to justify compliance of these windows) but are habitable rooms of "moderate use". In this unconventional subdivision development, the rooms with windows are the only rooms on that floor due to the narrow build and therefore should be considered rooms of regular living and occupancy (much higher than the low usage compliance justification). This usage will be exacerbated by the minimal living spaces provided on the ground floor and no living spaces on the upper level. The comment that these rooms are of "low use" is factually incorrect and cannot be used when justifying compliance to Control D8 (Privacy). The increased setback mentioned also has minimal

impact on the privacy and overlooking concerns expressed by neighbouring properties. The shape, length and height of the windows are the concern and not the setback. Clerestory windows above each proposed bed is the most suitable option for windows in this style of development and is an equitable solution for the developers and surrounding neighbours. External privacy screens with 45deg blades (facing north) could also be another suitable option.

Control D8, item 3 requires:

"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 comment provided to justify compliance by the developers' assessors is:

"The listed items in this control have been located to minimise overlooking concerns."

The proposed windows have not been located to minimise overlooking and will result in a severe decline in privacy. No consideration has been given to privacy or overlooking when designing the locations of the proposed windows, especially with the choice of 18 windows either side of this development. Unfortunately, due to the skinny nature of this development effective location of windows to avoid overlooking is extremely difficult. While effectively locating windows may be preferred, the use of screening devices or high sills is the appropriate solution in this situation and could be accepted by neighbouring properties with privacy concerns.

We would like consideration given to reducing the number of windows planned, installing external privacy screens with 45deg blades facing north to stop side and rear overlooking and sustain the current privacy enjoyed by the adjoining residents. Another acceptable option would be the use of clerestory windows above eye level (1.9m to underside of windows). These windows will let in sufficient light but avoid overlooking neighbouring properties. The plans provided show the clever installation of 12 skylights in this development meaning a change of windows/screens will have no impact on the light levels throughout the development. Should the use of obscured/frosted glass be an option it is important that this is built into the glass pane and not removeable such as a film or frosting spray. This is a major concern, and we would like council to highly consider the window alternatives provided. It is noted that the Planning Principle Meriton V Sydney City Council [2004] NSWLEC 313, that privacy could be improved for neighbouring properties and the future occupants of the proposed dwellings by providing mitigation measures such as the privacy screening or changes to the windows to increase the ceil height. As the development currently stands, the privacy impacts would not withstand the privacy impact tests provided in the planning principle.

2. Properties within this street currently enjoy ocean views which this development will impact. It is a concern that a view impact analysis has not been completed to identify the impact this development would have on the existing houses.

Control D7 - Views states:

"Development shall provide for the reasonable sharing of views."

The following justification for compliance has been given:

"Reasonable sharing of views has been considered in the siting of the dual occupancy."

As no view impact analysis or assessment has been prepared, this statement and justification for compliance is incorrect and identifies that no consideration has been given to this Control D7 - Views.

We would like Northern Beaches Council to request the developers provide a view impact analysis from all effected properties whose views may be impacted by this development. This view impact analysis should focus especially on the existing views from the front and rear balconies of effected properties. We will accept the determination by Northern Beaches Council as to whether the loss of existing views is acceptable and complies with the requirement; (Control D7 - Views) "Development shall provide for the reasonable sharing of views."

Should Northern Beaches Council consider that this development not provide for the reasonable sharing of views, consideration should be given to a reduction in upper-level building bulk for this ten-bedroom development. A reduction in upper-level building bulk would allow for the reasonable sharing of views as required in the Warringah Development Control Plan 2011 D7 - Views.

The Warringah Development Control Plan, D7 - Views lists objectives "To encourage innovative design solutions" and "allow for the reasonable sharing of views". There are six diagrams referencing; "Buildings sited to accommodate view sharing", and we feel none of these have been considered with the proposed design. The existing two storey houses on Greenwood Avenue don't have walls enclosing front and rear balconies. This has been adopted to "allow reasonable sharing of views" through "innovative design solutions" as required by the Warringah DCP. We would like the front and rear balcony designs of this development revisited to remove the side walls and/or roofs to "allow for reasonable sharing of views" through "innovative design solutions" as per Warringah DCP`

We will accept the decision made by The Northern Beaches Council on this matter after inspection of the view impact analysis and consideration of compliance with D7 - Views.

The proposed development is considered to result in unacceptable view impacts on neighbouring properties with little regard to view sharing. The statement of environmental effects provides little explanation, and no assessment was undertaken against the Planning Principles set out in Tenacity V Warringah Council. It is considered that the proposed development will result in the views of neighbouring properties of the ocean being obliterated. It is noted that a more softer design approach to development, such as the reduction in height of the building within a view corridor to allow for some retention of views was not provided with the design of the development. It is considered that a single dwelling development for the site, as is characterised in the area, would have allowed for a five-bedroom house with the ability to retain the site views for the neighbouring properties.

It is requested that Council require the erecting of height poles and a view impact analysis including photos of the effected views to allow the neighbouring properties to determine the proposed height to understand potential view impacts.

### 3. Character of the area

The design of the development is not considered to be within the character of the area with the development being designed with minimal architectural design regarding the context of the area and adjoining dwellings and little regard to the bulk and scale, privacy and view loss of the development on surrounding properties. It is excessive when compared to the existing streetscape. It is considered that the development is not compatible with the surrounding development. The Planning Principle, Project Venture Developments Pty Ltd v Pittwater Council 2005, provides a clear assessment path to determine whether a development is compatible with the surrounding development. The principle establishes the following two

questions to be answered to determine whether a proposal is compatible with its context:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

An assessment against the planning principle follows:

A. Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposed development has non-compliances in regard to the building envelope, side setbacks, and carparking for the site. The development also provides large blank wall on both side elevations with little regard to visual interest to reduce impacts on neighbouring properties. The development includes large windows on the first-floor level that results in substantial visual privacy impacts. It is considered that the physical impacts are substantial considered the existing development along Greenwood Avenue. The physical impacts of the development on the surrounding buildings are considered to be unacceptable and damaging to the amenity of adjoining residences.

B. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposed development presents itself to the street as a dual occupancy building with an exaggerated front façade that towers over neighbouring properties. The design of the development on the low, considering the narrow nature of the site, results in an overbearing development that is considered to result in substantial visual impact on the streetscape.

4. Proposed fireplaces. No information has been given in relation to the proposed fireplaces and their fuel, flue type, and filtration. We are concerned by the smoke generated and the flow of this smoke into surrounding properties bedrooms, living spaces, and outdoor entertaining areas.

5. Parking spaces. The DCP requires carparking to be provided on site, behind the front building line setback. Each dwelling provides a single garage due to the narrow lot size of the site to minimise visual impact; however the result is considered to be a deficiency in carparking and safety for access and egress to the site. The use of a single, narrow vehicle crossing to service two dwellings with carparking being required within the front setback will result in difficulty with site lines and general manoeuvrability on site. It will be impossible for a car to drive in the shared driveway and turn into the supposed "car space" in front of the garages, with only the 6.5m front setback to be used without issues between the two residences. The car icons used in the plans provided do not represent realistic sizing and how they could possibly enter and exit this driveway within the spaces identified. We feel this is a sneaky method of making this look achievable. Additionally, it is noted that each dwelling provides minimal storage areas with the small garages being the only area for ancillary storage of items, making them essentially useless for carparking. It is requested that the development be redesigned with, at the bare minimum, a tandem carparking arrangement within the garage and including storage areas within each dwelling.

We feel that none of the parking currently identified on the plans will be used for actual site parking and that all vehicles from this ten-bedroom development will be spilled onto our residential street in an unacceptable manner.

6. Front boundary setback. Can the council confirm that the enclosed side walls, floor and roof of the enclosed upper balconies do not form part of the 6.5m front setback? These enclosed walls, roof and floor of both balconies encroach on the 6.5m setback by 0.5m as shown in the plans. Could the council please advise if this is acceptable.

7. Comparable properties listed in section 3.2 of The Statement of Environmental Effects - The Locality.

The statement identifies a comparable property located in Image 7 (25 & 25 A Greenwood Avenue). It should be noted that this duplex has been designed and built with the consideration of adjoining residents and the streetscape in mind. It has the following:

- The duplex has been setback on the property to allow for the first car space to be behind the 6.5m front boundary setback.
- The single driveway access has been designed with correct length to allow acceptable entry and exit without effect on each other.
- The garage has a shallow pitched roof which has been adopted to "allow reasonable sharing of views" through "innovative design solutions" as required by the Warringah DCP.
- This duplex has been designed and built with minimal windows on each side (three upper level & three lower level) to reduce the impacts of overlooking and loss of privacy for neighbouring properties.
- The duplex has been designed and built with three bedrooms per residence to allow for extra accommodation within the region but not overload the block and street.
- The duplex has been built with sufficient living & storage areas to service a three-bedroom residence.
- This duplex has been designed and built to suit the character of the area.

This duplex used as a comparison is a more realistic and reasonable development which has been designed and built following the guidelines of the Warringah DCP and is within the character of the area. It has successfully provided more accommodation within the suburb whilst not damaging the streetscape or having a detrimental effect on neighbouring properties. We would like council to consider this duplex used by the developers as a comparison when deciding the suitability of the proposed ten-bedroom development.

We would like Northern Beaches Council to consider these concerns and advise on their response. We would like Northern Beaches council to recommend the following:

- The development be reduced in bulk and scale from the excessive ten bedrooms proposed, in keeping with the views of the Northern Beaches Council & residents, rather than the State Government.
- Adopt "innovative design" to "allow reasonable sharing of views" after genuine consideration and assessment of neighbouring properties.
- A view impact analysis completed to show that consideration has been given to this matter.
- Require both parking spaces for each side of the duplex, be behind the front 6.5m setback to maintain the current streetscape and allow genuine car parking facilities.
- Adopt window minimisation and design that reduces overlooking and loss of privacy.
- Recommend a revision of the design to a more suitable design in keeping with the character of the area.
- Remove the large blank wall on each side of the development and adopt a stepped and varied profile rather than a large rectangle structure to align with the current streetscape.
- Encourage genuine storage facilities be allowed for within the development.
- Remove the items within the 900mm setback on either side of the property.

- A genuine Statement of Environmental Effects be carried out where honest consideration has been given to neighbouring properties effected by this development, rather than bias for the developers.

We would like to request an extension of the submission and exhibition period for this Development Application until the responses from council have been received, and further information has been provided regarding the concerns highlighted above. We would like to be included in any further notifications for the Development Application.

Many thanks.

Peter Robertson & Leah O'Hare  
13 Greenwood Ave  
Narraweena