
Sent: 27/06/2021 11:42:49 PM

Subject: Attention Julie Edwards: 41 Prince Alfred Pde Newport - Submission for Amended Plans - DA2021/0376 property 163 Wallamatta Rd Newport

Attachments: Submission Amended Plans DA 163 Wallumata Rd.pdf;

Attention: Julie Edwards

We are the owners of the adjacent property 41 Prince Alfred Pde NEWPORT. Please find attached our submission regarding the Amended Plans for **DA2021/0376 for property 163 Wallamatta Rd NEWPORT.**

Thank you for considering our submission regarding the above mentioned Development Application - Amended Plans. In addition to our submission we also request the opportunity to meet with a Senior Manager at our property to further discuss and view our concerns raised in person. We would be grateful for this to be made possible.
In the mean time please don't hesitate to contact us if you have any queries regarding our submission.

Regards

K. Sinclair & C. Walcer

27 June 2021

The General Manager
Northern Beaches Council
PO Box 882

Mona Vale NSW 1660

Attention: Julie Edwards (Officer)

Notice of Submission regarding DA2021/0376

Subject Property: 163 Wallumatta Road Newport

Description: Alterations and additions to a dwelling house including a swimming pool

We the property owners of 41 Prince Alfred Parade NEWPORT would like to make the following submission regarding the above Development Application - Amended Plans. ***We request this submission be considered in addition to our original submission dated 5 May 2021.***

We request a Senior Manager of Council to attend our property to view each of our concerns listed below as their significance cannot be appreciated from this written document alone.

1. New Shadow Diagrams

The new shadow diagrams are misleading and lack transparency with regards to the significant detrimental impact the applicants choices are having on our amenity of our property and home. ***The new shadow diagrams*** show the shadow cast by the existing shared boundary fence (built Nov 2019) however ***they fail to show*** the shadow cast by the bamboo (planted April 2020) which runs the full length of the same boundary fence.

The new shadow diagrams do however demonstrate how generous we had previously been when requesting a 2.5m height limit.

We now request the bamboo and any landscaping to be maintained at 1.8m, the same height as the boundary fence, to ensure there is no shadow cast over our property, that extends beyond that, which is cast by the existing fence.

The new shadow diagrams suggest that our north facing rear yard is bathed in sunlight for the majority of the day however ***this is not the case*** due to the overshadowing caused by the bamboo planted by the applicants April 2020.

- ***The existing shared boundary fence*** stands at 1.8m high and forms the northern boundary of our property.
- ***The younger bamboo culms*** currently stand at approximately 5-6m tall from the high side of the boundary.
- ***The older bamboo culm areas*** that have filled in to become solid stand at approximately 3m – 4m (***their shadow doubles the length/depth of the solid shadow indicated by the fence in the new shadow diagrams***).
The shadow cast by the young culms is up to triple the length of the shadow indicated by the fence in the new shadow diagrams, however the new culms are not yet filled in/matured to form a solid shadow at this point in time.

*****This is an unreasonable and unacceptable outcome for our amenity of our property.***

******While it is recognised that the bamboo does not form part of the DA we request that if it is at all possible for Council to include a condition on the consent to maintain the bamboo to the height of the fence then that condition be included.

This would provide for the substantial overshadowing issue to be addressed while in its relative infancy at a reasonable, practical and manageable time for all parties.

****The bamboo at its current height(s) also completely blocks the solar access to our clothes drying area at all times of the day**

Alternative suggestion:

The bamboo could be moved closer to the applicants dwelling so that they can have their desired bamboo screening in addition to that which is provided by the boundary fence without taking away any of our solar access.

If this alternative were an adopted solution, we would request that council apply a condition requiring the bamboo be ***maintained at a height that does not cast a shadow beyond the boundary fence into our property***. We would also request a landscape plan, with shadow diagrams, be provided demonstrating that the proposed maximum height of the bamboo in its proposed new location, did not cast a shadow that breached the shadow cast by the fence into our property. This would provide assurance of the protection of our property from future overshadowing issues caused by choices made by the applicants, which take away from our amenity of our property.

This ***alternate solution*** would further result in the bamboo (weed) no longer being imposed upon us as a dominating overbearing part of our only rear private garden space. Bamboo or weeds do not in any way align with any form of plant choices that we would have as part of our landscape.

****Bamboo, both clumping and running varieties are identified as a weed on the Department of Primary Industries website in NSW Weed Wise. It does not align with the E4 zone.**

Impact to useability of only private rear space and landscape options:

The bamboo at its current height(s) completely blocks the solar access to our clothes drying area.

As the bamboo (weed) matures the height of the solid wall of bamboo increases substantially and is impenetrable by sunlight. The result is further extending the length of time throughout the year that ***the applicant*** denies our solar access in our only private rear garden area and our dwelling/home.

****It must be noted that due to the location of our property being on the lower side, the bamboo in its current position and if allowed to remain at its current heights results in our solar access being significantly impacted for extended months either side of the target June dates and times, as used by Council.**

This results in a significant length of time throughout the year where our solar access is completely blocked thus preventing our ability to enjoy the amenity of our only private garden space.

*****This is an unreasonable and unacceptable outcome for our amenity of our property.***

2. Inconsistency with Site Plans and Stormwater / property drainage management

The existing and proposed site plans indicate a single structure in the south-eastern side of the dwelling that has multiple labels assigned to it:

- Existing Site Plans (pg2 of complete document) - **Deck**,
- Proposed Site Plans (pg10 of complete document) - **Water Tank**
- Proposed Site Plans (pg11, 12 &13 of complete document) - **Existing Water Tank**.
- Existing Shadow Diagrams (pg21 of complete document) – **Deck**
- Proposed Shadow Diagram (pg22 of complete document) - **Deck**

We request clarification as to what this structure currently is and what it is planned to be:

- If it is an **existing water tank** we request confirmation of its current overflow/drainage management due to the significant overland flow and water seepage issues we endure from the applicants property including the additional water burden caused by the extended irrigation practices employed by the applicants for their bamboo.
- If it is a **proposed new water tank** we request confirmation of its planned overflow/drainage management due to the significant overland flow and water seepage issues we endure from the applicants property including the additional water burden caused by the extended irrigation practices employed by the applicants for their bamboo.

We further request details regarding how the water tank will be secured and supported so as to ensure our personal and property safety from potential land slippage or structural collapse as a result of the tank weight when full.

- If it is to be a **deck** we request clarification of the finished height and dimensions.

The visibility of this structure on the plans is also inconsistent

- Existing Site Plans (pg2 of complete document) – structure visible
- Existing Site Plans (pg3 & 4 of complete document) – structure not visible
- East, West and South Elevations – there is no clarity provided regarding what is existing or proposed in this location.

We request correct and accurate plans to be provided that clearly indicate what is existing and what is proposed for this DA including additional landscaping both hard and soft.

Any water burden into our property as a result of the *yet to be confirmed structure* (mentioned above) must be absolutely prevented and mitigated without encroaching into our property. This includes the potential affect on the natural course of overland water flow down to our property that may see the redirection of potential concentrated flows adding extra water burden.

We endure significant water burden from the applicant property both from stormwater and extra water flowing into our property as a result of the applicants' use of irrigation for their bamboo (planted April 2020). The irrigation practices are observed to involve the water to be running for extended lengths of time.

There is currently no formal stormwater drainage from 163 down to Prince Alfred Pde.

We request the applicants address their storm water and irrigation drainage to help alleviate the volume of runoff and prolonged seepage we receive from their property. At present it results in our property being continuously wet due to no opportunity for it to dry. The overshadowing of the bamboo into our property **further exacerbates** this. The water burden affects both the front & rear of our property as well as contributing to damp & mould issues within our dwelling.

3. The third storey addition

The application refers to a second storey however the diagram shows 3 levels with the proposed new upper level addition.

It will also affect the outlook from our backyard by adding an imposing structure that will also dominate over our property and block the current open view of sky and tree line.

****** The recent placement of the timber posts on the applicants' current dwelling clearly demonstrates the very large dominating scale of the proposed structure. These posts also give rise to query the accuracy of the shadow indicated to be cast by the proposed dwelling when viewing the height/angle of the sun from our property in relation to the posts.

We request that a lower pitched or skillion roof be considered to address the over-towering impact that the proposed 3 storey dwelling will have on our only private garden space and our dwelling, our home.

Conclusion

We do not object to property owners improving their home however we do strongly object to improvements being made to the detriment of our own amenity and enjoyment of our home. The applicants do not need to impose any of their choices or decisions onto our property in order to achieve their improvements. They can contain their choices so that they alone need to endure them.

It is our submission that the proposed works for 163 Wallumatta Road, Newport, still pose a detrimental impact on our amenity of our property due to the very large dominating size and scale.

This will be in addition to the substantial and significantly detrimental impact that the current unmaintained bamboo hedge (planted April 2020) is already having not only on our amenity of our property but also the emotional toll it is taking on both of us personally. At present we are forced to standby and see what the applicants are taking from our property, our home such as the simple act of being able to sit in sunshine either at a window or in our only private garden space.

We submit / request that Council please investigate avenues that both restores and provides for the returned amenity of our property and our home in the form of conditions on the consent when evaluating the applicants DA based on the valid issues raised here within this second submission. We anticipate the opportunity to review these issues in person with a Senior Manager from Council.

Yours sincerely,
41 Prince Alfred Parade NEWPORT