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**Sent:** 4/10/2019 9:44:18 PM  
**Subject:** Online Submission

04/10/2019

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**RE: DA2019/1001 - 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 'Alterations and additions to an existing dwelling including an attached secondary dwelling, swimming pool, carport and front fence'.

We note that the proposed secondary dwelling is actually detached.

5.0 Proposed Development

Site area 590.2m<sup>2</sup>  
Required landscape area 60% or 354.12m<sup>2</sup>  
Proposed landscape area 40% or 235.39m<sup>2</sup>

We have noted the percentage of required landscape area to hard surface area is 60% - 40% and the proposed landscape area to hard surface area is 40% - 60%. These figures are in reverse of Council requirements and demonstrate a disregard of the DCP.

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 is 5.5m. Our calculation of the height of the secondary dwelling is 6.73m excluding the carport. This exceeds Council regulations and will have detrimental impact on our amenity. The imposing structure will invade our privacy and reduce natural light to the living areas of our home.

Clause 5.4 - Controls relating to miscellaneous permissible uses

The proposal claims that the secondary dwelling will have a floor area of 54m<sup>2</sup> which complies with Council's control of 60m<sup>2</sup>.

We note that the proposed 'workshop' with bathroom and large glass doors is provision for increased living area in the secondary dwelling. The addition of this measurement would take the floor area beyond the figure for Council compliance. The sheer size of the proposed dwelling will have negative consequences to our amenity as our privacy will be invaded and the amount of natural light available to the southern side of our home will be affected.

## 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 building and 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.

## 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 the pool. This will have a significant negative impact on our living by the associated noise and the concern for our health when the excavation will inevitably encounter Acid Sulfate Soil.

### 6.6.1 Section A Introduction D14 Warriewood Locality

This proposal states that the project will retain the existing substantial area of soft landscaping.

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 does not particularly impact upon us but reinforces the gross disregard of the Council Planning Control.

### 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 2 allocated bedrooms and provision that the 'workshop' (with bathroom and large glass doors) could be used as a third bedroom, the off street parking is NOT adequate for the potential number of vehicles in the household. 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 lights on the main road and motorists using Narrabeen Park Parade as an alternative route to avoid these traffic 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 and Clause 7.2 - Earthworks which say 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 area of the building and the pool.

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

### C1.3 View Sharing

This control seeks to achieve a reasonable sharing of views amongst dwellings.

The application claims there will be no significant implications on the views enjoyed by the neighbouring properties. The proposal will negatively impact 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.

### 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 privacy. The substantial kitchen window will be 500mm x 2350mm in size. This window plus the other four windows north 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 west facing living and kitchen 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.

### 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, bathroom and 'workshop' 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 have also noted that the proposal claims the pool filter will be situated under the carport. If so, this could also impact our acoustic privacy.

### 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 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. The imposing size 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.

#### 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 and reduced natural light. 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.

#### 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. The imposing size 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 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.

#### 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 could set an undesirable precedent for this residential zone.

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 position of the western windows of the proposed structure will impede on 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 proposed structure will have a side setback of 900mm. Although this is in keeping with the current structure, the current structure is a small garage and not a dwelling. 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 was built by the former owner without council approval several years ago.

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 rooms of our home. The structure will be extremely close to the outdoor entertainment area on our deck, also invading our privacy and impeding our enjoyment of the views. The close proximity of the structure will reduce the amount of natural light into the main bedroom, bathroom and lounge room of our house and present 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 will have a negative impact on our amenity as the structure will impose on our privacy and minimise natural light to the rooms on the southern side of our home.

#### 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 is requesting an additional 35.41m<sup>2</sup> for hard surface which will result in the loss of the required percentage of soft surface as regulated by Council.

#### 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 proposed

structure will greatly impede on our amenity by invading our privacy, creating noise within close proximity to our home and reducing the amount of natural light available to our southern rooms.

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 and reduced light from the construction of a secondary dwelling on our neighbouring property to be unreasonable. Council has regulations for building and the non-compliance of controls 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 and reduced light from the construction of a secondary dwelling on our neighbouring property to be unreasonable. Council has regulations for building and the non-compliance of controls in this proposal is greatly detrimental to our amenity.

We are happy for the building of a double carport to 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 cordially invite you to our home to inspect the proposed site and to discuss our concerns in person.

Thanking you,  
Matthew and Corinne Carter