

This submission sets out **material** concerns with DA2025/0272, specifically the slope exacerbated privacy loss, excessive bulk and scale, and misrepresentation of overshadowing impacts. Council's own assessment unequivocally acknowledges non-compliance with B3 and B9 controls, yet seeks to invoke flexibility provisions without demonstrating that the mandatory objectives of those controls are achieved. Such an approach is procedurally unsound and contrary to the intent of the DCP.

### 1. Privacy Impacts – Slope Amplified Overlooking

Council acknowledges overlooking as a “primary concern” given the site's elevated position. The slope directly enables intrusive views into adjoining properties:

- The ground-floor rear deck is elevated relative to our lot, functioning as a raised viewing platform into principal private open space (PPOS) and habitable rooms.
- First floor rear and side windows provide **unimpeded sightlines into neighbouring PPOS**. Only W-08 is conditioned for treatment, leaving other openings untreated.
- Four south-facing windows **directly** face our lot. The slope enables **direct downward views** into PPOS and habitable rooms. Without privacy glazing, these openings breach the objectives of privacy protection.
- The west-facing window on the same elevation as W-08 also has direct sightlines into adjoining PPOS and directly into our ground floor bedrooms. If W-08 warrants privacy screening, then the west-facing window must be treated to the same standard to ensure **consistent** and effective privacy protection.
- **No section drawings or sightline** analysis verify the claim that separation distances prevent overlooking.

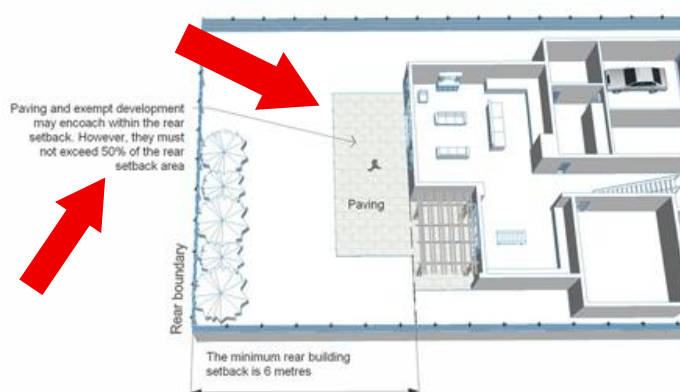
#### Required Actions:

- Apply privacy treatment (translucent glazing, high sill heights, fixed screening) to **all rear, side, and west-facing windows overlooking adjoining PPOS**, including all four south-facing windows and the west-facing window adjacent to W-08.
- Install permanent, non-permeable screening to a minimum height of 1.8 m above finished deck level on southern and rear edges.

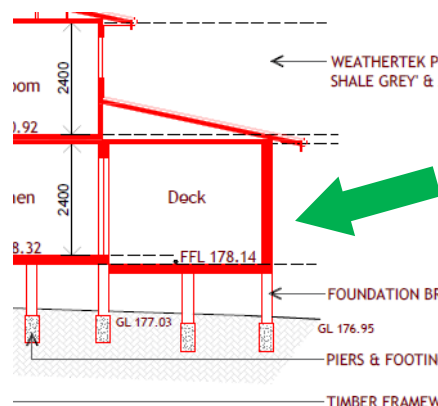
### 2. Rear Setback Breach (B9) – Magnified by Topography

Council's report states that the amended plans achieve compliance for the ground-floor deck, which in fact encroaches into the rear setback. Part B9 permits encroachments **only for paving and exempt development at ground level (Figure 1)** covering no more than 50% of the setback area.

- The **proposed structure is an elevated open deck (Figure 2)**, not ground-level paving, and **does not qualify for this concession** as per the WDCP B9.



(Figure 1) - WDCP B9 Rear Building Setback



(Figure 2) - Amended Plan – Non-Ground Level Deck on Sloped Topography

Council's “merit” reasoning is that the deck maintains openness, is similar to existing structures, and reflects a pattern of other non-compliances is flawed because:

- On this sloping site, **the deck is significantly elevated** above adjoining natural ground, creating a raised platform that increases visual bulk and direct overlooking into lower neighbouring properties.
- The WDCP control is prescriptive and applies regardless of neighbouring breaches, referencing other approvals does not negate site specific amenity impacts.
- The allowance in B9 for paving does not extend to elevated structures that function as building elements.

#### Required Actions:

- Remove the elevated deck from the setback area and replace it only with compliant ground level paving or exempt development covering no more than 50% of the setback;
- If retention is sought, incorporate permanent non-permeable screening, measured from the finished floor level of the deck to the adjoining natural ground level, to eliminate overlooking impacts.

### 3. Overshadowing – Inaccurate Modelling and Omission

Council's report states: "*Shadow diagrams that showed the private open space on adjoining properties were provided, which enabled Council to confirm compliance with Section D6 of the WDCP.*"

- This conclusion is flawed because the **amended shadow diagrams omit the existing 15 m Melaleuca tree** on the adjoining property.
- This omission creates an unobstructed assessment environment and understates the actual overshadowing impacts on our adjoining private open space.

This approach is **inconsistent** with:

- **WDCP B3.1 objectives (Bulk, Solar Access, Privacy)** - requiring development to protect solar access to adjoining dwellings and open space.
- **D6 Solar Access** - requiring overshadowing assessment to consider all existing site features, including mature vegetation and structures, to ensure a realistic and representative outcome.
- By excluding the Melaleuca, the modelling **fails** to account for actual conditions and therefore does not demonstrate genuine compliance with section D6.

#### Required Action:

- Submit revised shadow diagrams that accurately incorporate all existing vegetation and structures on adjoining land to enable a valid and representative assessment under D6 Solar Access.

### 4. Flaws in applying section 4.15(3A)(b) Flexibility

Council's own assessment confirms:

- Non-compliance with B3 Side Building Envelope and B9 Rear Setback controls.
- Privacy impacts remain unresolved, addressed only via conditions rather than design amendments.
- Section 4.15(3A)(b) permits flexibility only when objectives are satisfied. They are not satisfied here:
  - Breaches are **acknowledged** and unresolved.
  - Slope intensifies privacy, bulk, and solar access impacts beyond intended control limits.
  - Reliance on conditions shifts compliance from the plans to post approval treatment, which is inappropriate at DA stage.

#### Required Actions:

- Reject flexibility unless amended plans demonstrate compliance with B3 and B9 objectives prior to approval.

### 5. Side Building Envelope Breach (B3) – Compounding Impacts

- The first-floor addition exceeds the side envelope by 260 mm (6.5%) on the north-east elevation.
- In isolation this may appear minor, but in combination with the rear setback breach and slope, it compounds bulk, scale, and privacy impacts.

#### Required Actions:

- Redesign to achieve full compliance with B3; or
- Implement substantive bulk and privacy mitigation measures integrated into the building design.

### 7. Conclusion

Council's own report **confirms** breaches of B3 and B9, unresolved privacy impacts, and reliance on conditions to address core amenity issues.

These matters **require resolution in the approved plans, not through conditions**, before any approval is granted. If compliance cannot be demonstrated, the application should be refused.