
Sent: 15/01/2020 9:35:49 AM
Subject: FW: Notification of DA2019/1161
Attachments: Objection Letter - 48 Lindley Avenue Narrabeen.pdf;

From: Josh Taylor-Real <josh@outlookplanningdevelopment.com.au>
Sent: Thursday, 5 December 2019 12:00 PM
To: Megan Surtees <Megan.Surtees@northernbeaches.nsw.gov.au>
Cc: Council Mailbox <council@northernbeaches.nsw.gov.au>
Subject: Notification of DA2019/1161

Dear Megan Surtees,

Please find attached the objection letter to the above mentioned DA for the owners of 46 Lindley Avenue Narrabeen. It is noted that we requested an extension to submit a objection letter on or before 29th November. We had sent the email on Friday however due to the size of the PDF it appears that it was not sent or received. It is understood that your preliminary assessment of the application is complete however as you were aware of a submission coming in it is requested that you review the attached submission and review the development application. The owners of 46 Lindley Avenue are concerned about the privacy impact and the view loss from their kitchen window.

Kind regards

Joshua Taylor

Dear Megan Surtees

Re: Public Notification – DA2019/1161– 48 Lindley Avenue Narrabeen 2101

1 Introduction

Outlook Planning and Development have been engaged by the residents of 46 Lindley Avenue Narrabeen to review the application for the proposed alterations and additions at 48 Lindley Avenue Narrabeen. Our review of the DA has been based on the information that is available from Northern Beaches Council Website.

2 Background

A Development application was submitted to Northern Beaches Council on 22nd of October 2019 for the addition of new balconies to both levels, the replacement of the existing roof, addition of small floorspace to both levels, various internal changes, the addition of a single carport and associated driveway and changes to doors and windows.

2.1 Site Description

The subject land is identified as Lot 2 DP 502501, 48 Lindley Avenue Narrabeen. Located on site is an existing dwelling and the site has a site area of 665.7sqm. Access to the site is via Lindley Avenue.



Figure 1: Aerial Image of Site & Surrounding Area

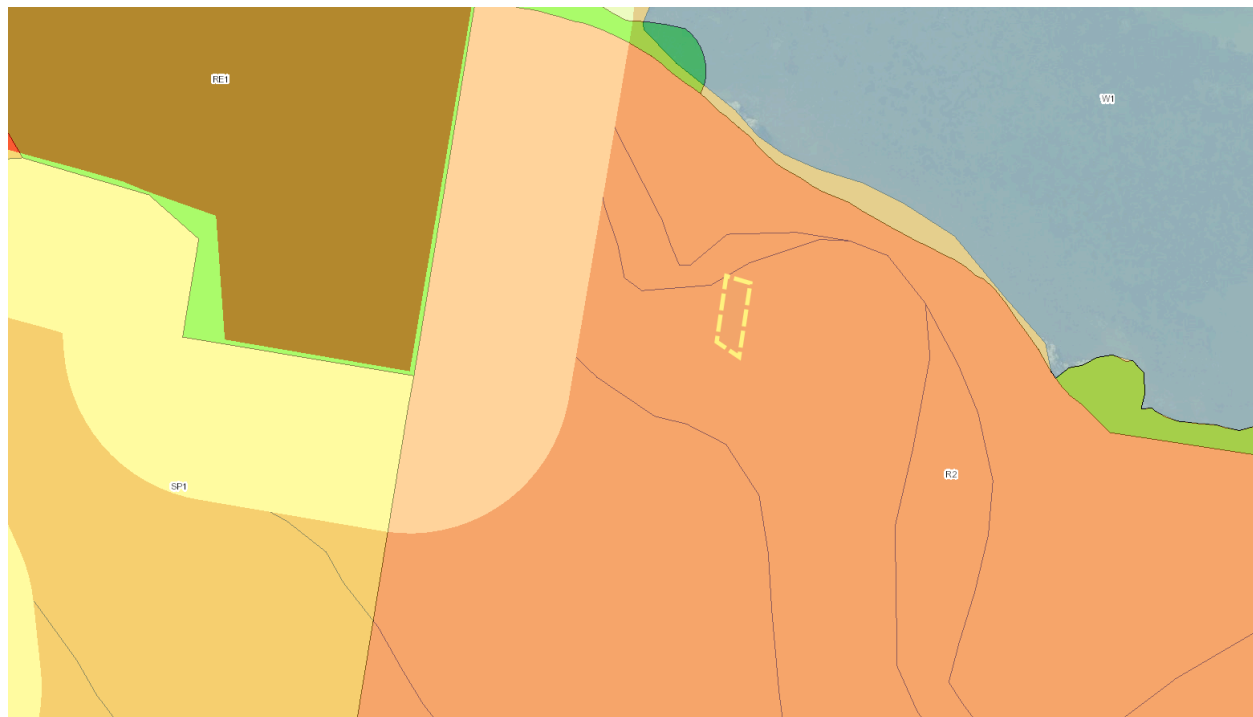


Figure 2: Map of the subject site

2.1.1 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R2: Low Density Residential
Zone Objectives	The objectives of this residential zone are: • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.
Permitted without consent	Home-based child care; Home occupations

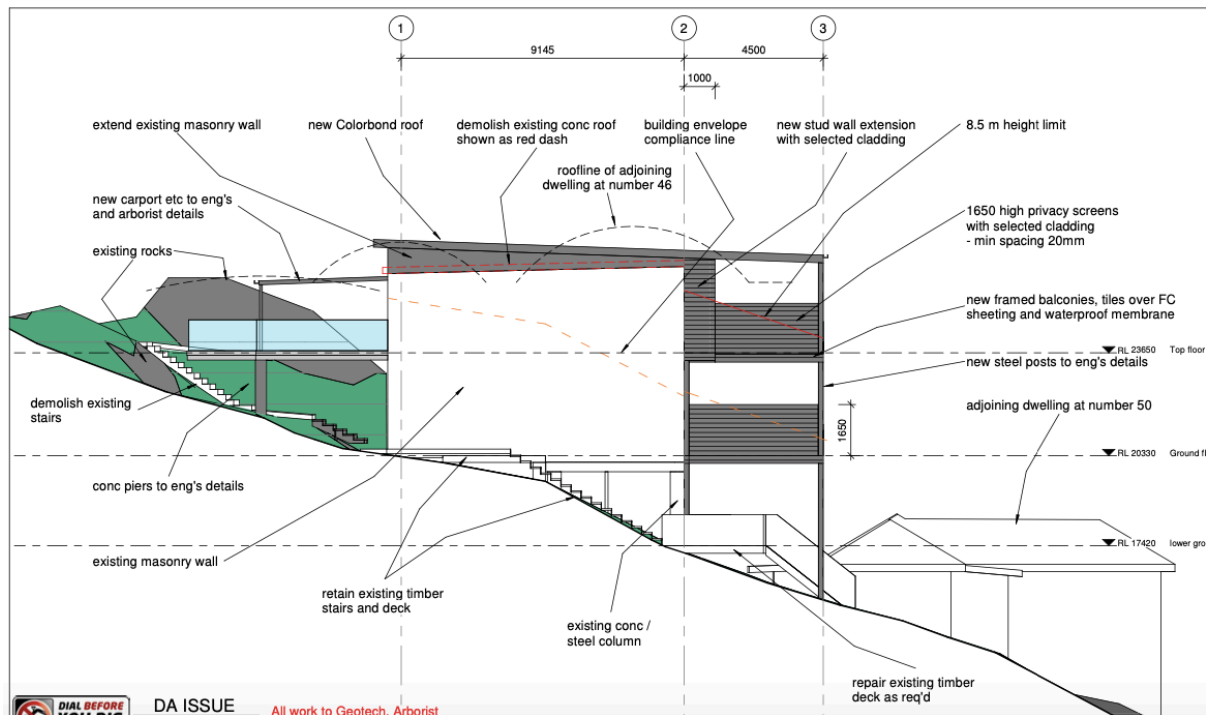
Permitted with consent	Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals
Prohibited	Any development not specified in item 2 or 3
Height of Building	The site is located in an area with an 8.5m height of building limit
Floor Space Ratio	The site has no prescribed floor space ratio.
Minimum Lot Size	The site is located in an area with a 600sqm minimum lot size.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Class 5 Acid Sulphate Soils.
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The site is not located within a bushfire area.
Flood Prone Land	Not identified as being flood prone land
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.
Landslide Risk Land	Area E – Collaroy Plateau Area Slopes >15

3 Development Assessment

3.1 Privacy

The residents of 46 Lindley have concerns regarding their privacy as a result of the proposed development. The application seeks to extend the balcony areas of the existing dwelling by 4.5m and while a 1.6m privacy screen is provided it is not considered that the development sufficiently provides privacy for the occupants of 46 Lindley Avenue. The residents currently enjoy a private swimming pool area that has a high level of privacy due to the orientation of the neighbouring properties. It is considered that the proposed development will result in direct overlooking into the swimming pool area. It is considered that a more thoughtful design of the deck would result in the

privacy impact being reduced. It is suggested that the balconies be setback further off the side boundary to provide additional separation and to allow for sufficient landscaping to grow along the boundary. It is also recommended to reduce the side of the balcony as it is considered that a 4.5m deep balcony creates a large entertainment area that will heavily impact the amenity of the surrounding development.



An assessment of the privacy impact is provided against the planning principle Meriton V Sydney City Council [2004] NSWLEC 313 as follows:

- The ease with which privacy can be protected is inversely proportional to the density of development. At low-densities there is a reasonable expectation that a dwelling and some of its private open space will remain private. At high-densities it is more difficult to protect privacy.*

In the case of the proposed development, the site is located in a R2 Low Density Residential zone. It is considered that maintenance of privacy for the zone is critical.

- Privacy can be achieved by separation. The required distance depends upon density and whether windows are at the same level and directly facing each other. Privacy is hardest to achieve in developments that face each other at the same level. Even in high-density development it is unacceptable to have windows at the same level close to each other.*

Conversely, in a low-density area, the objective should be to achieve separation between windows that exceed the numerical standards above. (Objectives are, of course, not always achievable.)

The proposed development will contain two large balconies on the rear elevation that is located within close proximity to the adjoining side boundary of 46 and 48 Lindley Avenue. The separation provided is not sufficient in reducing overlooking impacts. The building should be redesigned to remove the privacy impact on the neighbouring dwellings.

- *The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.*

The proposed development will impact the kitchen, deck and swimming pool area of 46 Lindley Avenue Narrabeen.



- *Overlooking of neighbours that arises out of poor design is not acceptable. A poor design is demonstrated where an alternative design, that provides the same amenity to the applicant at no additional cost, has a reduced impact on privacy.*

It is considered that the privacy impact occurs through poor design of the alterations and additions. If the proposed decks were setback further off the side boundary and were designed to not be as deep as proposed (4.5m deep) the expected impact would be dramatically reduced. It is noted that while a privacy screen is provided that due to the orientation of the site, direct overlooking will still be achieved through the size of the development.

- *Where the whole or most of a private open space cannot be protected from overlooking, the part adjoining the living area of a dwelling should be given the highest level of protection.*

The existing dwelling at 46 Lindley Avenue can be protected from overlooking through design changes.

- *Apart from adequate separation, the most effective way to protect privacy is by the skewed arrangement of windows and the use of devices such as fixed louvres, high and/or deep sills and planter boxes. The use of obscure glass and privacy screens, while sometimes being the only solution, is less desirable.*

The proposed development provides a 1.6m high privacy screen however it is considered this is not sufficient to screen the development.

- *Landscaping should not be relied on as the sole protection against overlooking. While existing dense vegetation within a development is valuable, planting proposed in a landscaping plan should be given little weight.*

Landscaping is not used to reduce privacy impacts.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites, as well as the existing development, should be considered.*

The area around the site is not undergoing change.

It is therefore considered that the proposed development results in substantial visual privacy impacts and should be refused or redesigned to comply.

3.2 Views

It is considered that the proposed development result in view loss from the kitchen area (as shown in the photo below). It is requested that Council undertakes a site visit to assess the view loss under the Planning Principal.



3.3 Tree Removal

The application includes the removal of substantial trees at the front of the premises. It is considered that these trees are in good health and should be retained. The development should be redesigned to retain the trees.

4 (d) any submissions made in accordance with this Act or the regulations,

It is noted that the development objection letter was submitted outside of the notification period but it is understood that it was submitted prior to the final determination of the development application. It is noted that the objection letter was submitted via email on Friday 29th November as requested with Council via email. It is now understood that the objection was not received via email and as such the assessment report has been completed by the officer. It is considered that under the Act this submission shall still be considered by Council. It is noted that a previous email was

submitted to Council advising that a submission would be coming from the owners of 46 Lindley Avenue and therefore Council was aware that the owners had concerns regarding the development.

5 Conclusion

It is noted that the residents of 46 Lindley Avenue Narrabeen are not against the site from being developed however they feel that the plans currently before Council will impact their amenity and future enjoyment of their family home. It is noted that the proposed development results in unacceptable visual privacy impacts of the current dwelling. It is requested that Council request a redesign of the development to mitigate any impacts on the amenity of 46 Lindley Avenue Narrabeen and to also ensure that the documentation provided with the development application be of appropriate detail and provide an assessment against the relevant controls and policies.