
From: Guillaume Ang
Sent: 17/02/2022 3:41:03 PM
To: Nick Keeler; Council Northernbeaches Mailbox
Cc: John McKee; Guillaume Hauragi
Subject: Objection to Development Application No.2021/2636-Alterations and additions to existing dwelling-No.9 South Creek Road, Dee Why
Attachments: Guillaume-Objection submission to NBC.pdf;

Hi Nick,

Thanks for allowing an extension to provide a submission to Development Application No.2021/2636.

Please see attached our submission to the above Development Application.

It would be great if you could acknowledge the reception of this submission.

Have a great day,

Guillaume Ang

Co-founder at upflowy.com and leandata.io

Call 

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This email and any files transmitted with it are confidential.

15 February 2022

General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Attention: Mr Nick Keeler

Dear Sir

Objection to Development Application No.2021/2636-Alterations and additions to existing dwelling-No.9 South Creek Road, Dee Why

We have been engaged by Mr and Mrs Guillaume to prepare an objection submission to the above development application which seeks consent for alterations and additions to an existing dwelling and secondary dwelling located at No. 9 South Creek Road, Dee Why. Our client's property is the directly adjoining southern battle-axe property, being No.7A South Creek Road.

On review of the architectural plans and supporting documentation, we submit that the design of the alterations and additions has been prepared with little regard to preserving the amenity of our client's property. We raise the following concerns/inadequacies with the proposal:

Height exceedance

We note that the proposal has a number of height exceedances to Council's height planning controls under both Warringah LEP 2011 and Warringah DCP 2011 as detailed below which contribute to serious adverse amenity impacts upon both our client's property and the dwelling at No. 7 South Creek Road.

Firstly, we note that the proposed dwelling has a maximum wall height of 7.84m which exceeds the required maximum wall height of 7.2m under Control B1 of Warringah Development Control Plan 2011.

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23-25 Tathra Street
Tathra NSW 2550

We disagree with the claim on page 16 of the Statement of Environmental Effects Report that the proposed wall height exceedance is minor to the development and meets the objectives of the wall height control.

We note that the objectives of the control, which are stated below intend for developments to *'minimise the visual impact of development when viewed from adjoining properties'* and also *'to minimise the impact of development on adjoining or nearby properties'*. Clearly, we do not believe that the proposed 2 and 3 storey development complies with the control on the basis that the first floor level is only setback the minimum 900mm away from the side boundary and lacks articulation to minimise bulk and scale impacts upon the adjoining southern properties.

Objectives of

- ***To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.***
- *To ensure development is generally beneath the existing tree canopy level.*
- *To provide a reasonable sharing of views to and from public and private properties.*
- ***To minimise the impact of development on adjoining or nearby properties.***
- *To ensure that development responds to site topography and to discourage excavation of the natural landform.*
- *To provide sufficient scope for innovative roof pitch and variation in roof design.*

We consider that the proposal also likely requires a variation to the 45 degree side building envelope requirement under Control B3 of Warringah Development Control Plan 2011. We have been unable to ascertain compliance with the control as a 45 degree line measured 4m above the side boundaries has not been illustrated on the architectural plans. In the circumstances given minimal separation of the existing dwelling and adjoining dwellings to the south at Nos.7 and 7A South Creek Road, we consider that the variation request should be denied by Council if the proposal is found not to comply with the control.

We also note that it is difficult to accurately measure the maximum height of the development given the existing ground level does not appear to be shown accurately on the elevations or sections to calculate the maximum height of the building with certainty at varying points. It would appear from the southern elevation that the eastern three storey component would have to exceed the required maximum height limit of 8.5m under Clause 4.3 of Warringah LEP 2011, despite the Statement of Environmental Effects Report stating that it complies with the 8.5m height requirement.

On this basis, we request that Council require the applicant to show RLs of the existing ground level and corresponding roof heights of the sided elevations or sections so that height of the proposed development can be accurately calculated with certainty.

Solar Access

We have reviewed the overshadowing diagrams submitted in support of the proposal and believe that the proposal will have serious overshadowing impacts upon our client's property and the dwelling on No. 7 South Creek Road, which is further exacerbated due to the unsympathetic design of the alterations and additions that have been inadequately recessed away from the common side boundary of Nos. 7 and 7A South Creek Road.

Our client is likely to receive zero natural light to the bedrooms on the northern side of our client's property. However, without hourly overshadowing diagrams this is difficult to project exactly. On this basis, we request that the applicant be required to submit hourly overshadowing diagrams, including elevational shadow diagrams so the impact of solar access to our client's windows on the northern façade is clearly illustrated.

Our client's major concern in regard to overshadowing is that they will receive no winter sun into their bedrooms from the north side due to the low arc of sun and extreme height of the proposed alterations and additions to the existing dwelling. As a result, the overshadowing will significantly reduce the level of amenity currently enjoyed by our client in their bedrooms and also the rear living area during winter.

This will impact negatively in regard to reduced sustainability within our client's house and will result in increased heating costs for the dwelling, greater reliance on clothes dryer, etc.



Photo 1-View facing east along the common side boundary

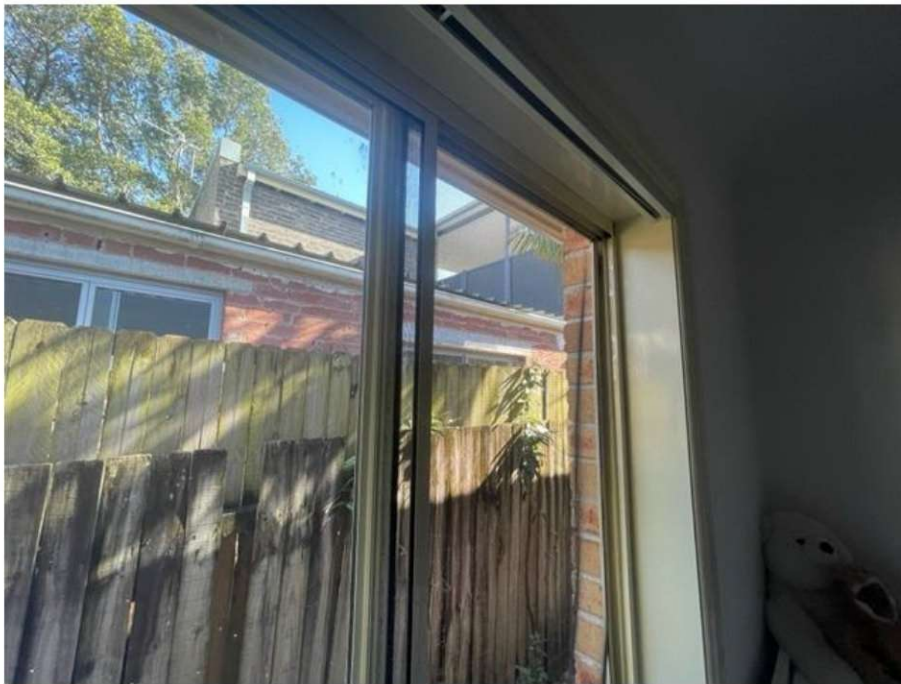


Photo 2-View facing development site from bedroom window on northern side of dwelling

Privacy

Our client is concerned in regard to the adverse visual privacy impacts that the proposal will have upon the two adjoining bedrooms that directly face the development. We note that the proposal has provision for a bedroom window and the gym/games room window on the 1st floor level that directly face the windows of our client's dwelling and no attempt has been made to offset the windows or provide for fixed privacy screens to minimise potential for overlooking. On this basis, we submit that the proposal is contrary to Control D8 of Warringah Development Control Plan 2011.

Possible Secondary dwelling/multi dwelling housing development

We note that the eastern portion of the ground level is identified as garage with bathroom and stairs which has the potential to be used as a separate occupancy (secondary dwelling) however consent has not been sort for this? In addition, it would appear that the proposal may being setup for a future multi dwelling housing development given the slightly awkward internal configuration of the proposal. We would request Council give consideration to this potential in the assessment of the application.

In conclusion, we object to the proposed development for reasons previously outlined in our submission. We believe that the proposed alterations and additions to the existing dwelling have been unsympathetically designed with regard to preserving our client's amenity.

We trust that Council will give serious consideration to the issues raised in our submission and require the applicant to amend the proposed design to minimise amenity impacts upon our client's property.

We can be contacted on 0418 431 897 if the Council requires any additional information.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'John McKee', with a large, sweeping initial 'J'.

John McKee
DIRECTOR

