Sent:	28/06/2021 6:54:22 PM
Subject:	DA2020/1591 objection to submission
Attachments:	318 Hudson Parade conditions review.docx;

To whom it may concern,

We've been notified that 316 Hudson Parade have submitted a reply to DA2020/1591 . The feedback area online to enter our submission isn't open/working, so please find our submission attached. The deadline for this is 29/06/2021 – tomorrow.

If you have questions please don't hesitate to ask.

Thanks and kind regards,

Lucy and Sam Wallrock
0432 500 995

318 Hudson Parade
Clareville NSW 2107
28 June 2021

The Planning Manager
Northern Beaches Council
council@northernbeaches.nsw.gov.au

Dear Sir / Madam,

We submit the following objection to:
Application No: REV2021/0020 (DA2020/1591)
Address: LIC 559656 and Lot 1 & Lot 2 DP 827733 316 Hudson Parade CLAREVILLE

We refer to the above request to review Council's determination in particular the consent conditions set out in Condition 10.

We note that these conditions relate specifically to mitigate our general loss of amenity and privacy in our property due to the increased bulk and extension to the west of the living space above the garage in 316. We strongly seek Council to resist any relaxation of these conditions. To do otherwise will significantly impact our situation.

Before addressing each of the elements detailed in the application by Symons Goodyer we would make the following general point. In addressing the conditions, the applicant has a clear bias to ensure the living space is maximized. In detailing his objections and various constraints of BASIX, inter alia, he never considers a compromise. Instead of pushing the increased size envelope of the living space not only to the maximum to the east but also to the west by enclosing the balcony.
Our suggestion would be:

- Don't extend to the west and enclose the balcony.
- The roof could extend and cover the balcony This would permit the applicant to pass his BASIX requirement!
- We would prefer the roof is hipped as it is currently which would reduce the profile and bulk of the overall structure – as per our original objection.

Should the Review not consider the above we make the following comments on each of the points raised against the conditions:

<u>West elevation of the gym/studio</u>

- *The sliding doors …..to be replaced with windows with fixed and angled privacy screens. The glass balustrade is to be deleted.*

We believe its laughable to imply the above condition *"….will have a negative impact…. by limiting the extent to which those views are shared between the residents of this dwelling house and other residents in the area"*

We don't believe a comparison of a south end view of the current balcony to a centre view of the balcony of our property properly shows the extent of overlooking that will be

experienced under the plans. It should be pointed out that it will occur more often now that the occupier can now view from inside another metre or so further to the west. Previously to do so he would have had to come outside onto the balcony to do so.

A condition on landscaping has little voracity and is not accepted.

If Council permits the expansion of the living space above the garage not only to the east but also to the west inclosing the current balcony we agree with Council's condition and object to its removal.

Roof over the garage structure

- *The roof over the detached garage structure shall be reduced by 1m to the west where it extends over the existing balcony.*

It is not Councils responsibility to address the BASIX requirements. The applicant is setting his own constraints – to maximise the living space.

As noted above and in our previous objection, the current proposed roof design is higher than the existing roof. This together with the overhang it is the change which has the greatest impact in increasing the bulk and scale of the structure. Councils condition addresses the overhang extension only.

We would seek to revert to a hipped design which would reduce the height towards the west.

WC and shower

- *The change wet area shall be reduced in size and comprise a WC and shower only.*

The applicant has said he removed the bath. Accordingly, there is less space required so it is hard to see why this condition can't be complied with.

Kitchen, cooking facilities and wet bar

- *There shall be no kitchen, cooking facilities and wet bar.*

The applicant provides a number of interesting cases which while relevant in the cases so referenced do not apply in this situation.

The consultant states that "*From my experience the provision of a wet bar does not lead to any concerns with regards to the separate occupation of a studio and this has been accepted by Council."*

We have lived next door to Mr. Walls for some time and his track record does not give us the same confidence as exuded by Mr. Goodyer. Given our past experience, Council has wisely stated as a condition that there should be no wet bar.

We strongly support the retention of this condition.

"30. Gym/Studio

The Gym/Studio …….are not to be used for the purposes of separate habitation…….The use of cooking facilities, including an oven and stove are prohibited."

Reason: to ensure consistency with the approved development and stamped plans"

The applicant seeks to have this deleted as part of condition 10, on the basis this may be enforced by Council.

This condition does not add any additional obligations on the applicant so there is no reason not to retain it. Further in all of the circumstances we believe its highly desirable that the key elements here are reiterated clearly.

We do not support its removal.

Thank you for the opportunity to express our concerns with this review of conditions application.

Yours faithfully

Sam & Lucy Wallrock
0432 736 500