
Sent: 28/01/2018 1:52:21 PM
Subject: Online Submission

28/01/2018

MR Andrew Fraser
25 Francis ST
Fairlight NSW

RE: Mod2017/0348 - 27 Francis Street FAIRLIGHT NSW 2094

OBJECTION TO s96(1)(a) APPLICATION (Mod2017/0348),

We are the owners of 25 Francis Street, the adjoining property on the southern side of the property at 27 Francis Street Fairlight.

We are objecting to the s96(1)(a) application (Mod2017/0348) submitted by the applicants in respect of the recently approved DA159/2017.

Given that the original DA approval allowed the applicants to exceed compliant development standards in a number of ways (e.g. height, floor space ratio, setbacks) such a s96 should not allow the applicants to even further exceed these controls.

We request that Council clearly make a consideration of the clear additional cumulative impacts of this s96 application.

From our perspective, the amendments proposed in this application, particularly those proposed in relation to the increase in the developments height with flow on effects to floor space ratio, are not of "minimal environmental impact" with the effect that, should the modification be approved, the development will not be substantially the same as the development approved. They are not insignificant.

The windows downstairs are significant and inappropriate changes that will significantly impact our environmental amenity and privacy.

We request that you include our previous objection for DA 159/2017 as part of this objection.

INNACURACY IN SKETCHARC "updated" DRAWING/S

The applicants attached updated (Dec17) Architectural Plans by SketchArc do not accurately reflect the impact on our amenity. More importantly they do not reflect the conditions imposed by Council when the application was approved.

The specific issues are:

- The 17 Dec17 drawing s96-16 innacurately represents our shadowing impact on our property by not showing our living rooms Northern window (west of the chimney). This omission was identified in Sketcharc drawings in our previous objection (copy attached).
- The same drawing inaccurately portrays shadowing impacts on our north facing dining room by continuing to present our three window bifold door as a much smaller two window bifold door thereby misrepresenting the shadowing impact.

KEY ISSUE: DA159/2017 condition ANS02 NOT incorporated in the updated drawings

The drawings are also incorrect in that although they are stated to be updated to the current situation they in no way reflect Council's recently approved DA condition ANS02 requiring that:

"the proposed first floor rear deck and stairs are to be set back a minimum of 1.5m from the southern boundary ...".

Council should confirm with the applicant that condition ANS02 will be implemented as Council determined.

We object to the following section 96 modifications.

-Two new windows on lower level southern elevation to study and games room

We object to both of these windows on the basis of increased noise and privacy impacts caused by the extremely close proximity of these windows to our downstairs bedrooms, courtyard and upstairs north and west facing lounge room windows and bifold window doors.

There will be significant noise and privacy problems from both the applicants proposed windows as in the state of the plans as submitted they would be a non-compliant .96m from our boundary. Additional noise from these windows will reverberate between the buildings.

The addition of these windows will also mean that we will be forced, unlike now, to keep our existing windows and doors closed to maintain privacy, quiet regarding conversations, sleep etc.

The proposed window to the rear(west) of the Southern wall of the applicant's house will look directly into our rear lower courtyard and two lower bedrooms. It appears to be a fully opening window, which, given this is proposed to be a games room, will generate significantly increased noise to our bedrooms and our lounge room. With its direct views into our premises there is also be a significant impact on our privacy and amenity.

The proximity of the applicant's approved extended lower wall to the boundary is already non-compliant(.96m) making these new windows much too close to our house and boundary. If Council decides either of these new windows is to be maintained we request that:

- the wall be setback further from the applicants' southern boundary (at least 1.5m), and
- the base of the windows be required to be above 2m from their rooms floor level (high enough to ensure privacy) with
- permanent blinds and permanent frosted or translucent glass screening, and
- that they should be permanently non-opening and sealed to reduce long-term additional noise impacts.

As the recent DA approved the applicant's extensive western facing downstairs bifold window doors it is difficult to understand the need for these very significant additional side windows.

Approval of these additional windows would add a significant privacy and noise related environmental impost.

EXTENSION TO THE MEZZANINE (third floor of the house)

The s96 application proposes that the mezzanine (third floor of the house) be extended back a

further 1m from the DA approved position. This is a significant amendment which will significantly add to our extensive loss of amenity due to overshadowing. This is a significant change and we strongly object to it.

This is a significant amendment, particularly because, we understand, the applicants previous set back to the DA approved mezzanine roof position was a major compromise the applicant made with Council and rear neighbors which contributed to the recent determination's approval. With this approved adjustment to the third-floor roof we have suffered an extensive overshadowing effect.

HEIGHT

The current approval already permits the applicant a height limit of 9.35m (10% higher than the 8.5m compliant standard). The extension proposed will result in a height stated to be 10.278m, a significant further increase 11% higher than the approval and 21% higher than Councils compliant standard. This is hardly a minor change. This will impact us by increased overshadowing.

SETBACKS

Usually Increasing the height should mean that the setback should be correspondingly increased based on Councils standards beyond the DA approved 0.9m to 1.5m or more. For example, Councils compliant standard for the 9.35m height would have required a 2.24m+ setback.

FLOOR SPACE

We also object to the proposed increase to the floor space ratio from the approved 0.66:1 to the 0.76:1 as this application goes far beyond the compliant standard for this area(zone) of 0.6:1

The Applicant states that these increases are inconsequential and minor. We disagree. These changes take the development much further beyond compliance.

Nor do we agree that the proposed change is compatible with the existing surrounding development. None of the houses surrounding this development are 3 stories high(mezzanine) or as large as a 10m+ high with 0.9m setbacks and floor space ratio of 0.76. The approved development was already incompatible. The s96 version would be even less fitting for the area.

Looking at the new shadow diagrams provided, we are unable to discern any changes on the solar plan overhead from the previous July 2017 DA drawings and diagrams. How can raising the height not have an impact?

The approved development deeply reduced our solar access. The proposed changes impact us much more. We do not accept their statement that we had a reasonable solar access from the recent DA. We strongly disagree with the applicants s96 statement that: "the additional shadow is very minimal and will continue to maintain reasonable solar access to surrounding properties".

As stated above the shadow diagrams provided with this s96 application appear to us to be identical with those provided in support of the recently approved DA. The s96 proposed increased height and roof area would reasonably be expected to have a corresponding

increased effect on shadowing. We are unable, from this diagram, to gauge what impact it will have.

Also, we are still unclear why the sketcharc diagrams continue to not show our actual existing northern lounge room window and our three (3) dining room bifold window doors mentioned earlier.

The diagrams are inaccurate.

We question as to how we or Council are able to assess the validity of the applicants assertions given a survey drawing includes such inaccuracies.

We therefore strongly disagree with the applicant.

Overshadowing is one of our major concerns, and is already very significant from the approved DA, resulting in significant loss of amenity (please refer to objection item 1(a) in our previous DA submission).

For all these reasons, we strongly oppose any further increases in height or moving the third-floor roof back.

CONCLUSION

In summary, we object to all the modifications requested because they do not leave the development substantially the same and have significant increased environmental impacts on us.

In the recent DA determination Council approved the applicants non-compliant, large, very high development that will result in a significant decreased amenity to us particularly in regard to reduced privacy and increased over shadowing and noise.

We had decided to accept that the DA was approved and had assumed the applicants would too.

However, we are very concerned that if these substantial s96 modifications are approved then this will not only impact us even further but will invite more applications with respect to the same DA with the prospect of even further loss of amenity to us.

We are examining our options in relation to further escalation of these matters.

We request that Council consider the substantial impacts of these proposed modifications and reject them,

Regards

Andrew Fraser & Jo Porritt - Owners of 25 Francis St Fairlight