

S U B M I S S I O N : M O S S & W A L T O N  
a written submission by way of objection to DA 2020/1743

**Linda & David Moss  
47 Lantana Ave  
Wheeler Heights  
NSW 2097**

**Steven & Tania Walton  
49 Lantana Ave  
Wheeler Heights  
NSW 2097**

**14 August 2021**

**NBLPP  
Northern Beaches Council  
725 Pittwater Road  
Dee Why  
NSW 2099**

**Northern Beaches Council**  
[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

**Dear NBLPP Members,**

**Re: 45 Lantana Avenue, Wheeler Heights NSW 2097  
DA 2020/1743**

**WRITTEN SUBMISSION: LETTER OF OBJECTION  
Submission: Moss & Walton**

We refer to the Assessment Report on the above project. We disagree with the recommendation, and ask for the DA to be refused.

The Panel **cannot be satisfied that the development is compatible with the character of the local area as required by Clause 30A due to the proposed basement being raised by 1.9m above ground level existing creating excessive building bulk and privacy issues to neighbours.**

The proposed development in these zones is three-storey, and contrary to SEPP controls.

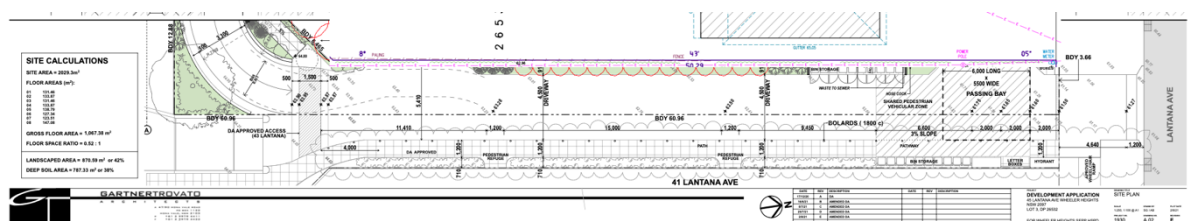
The bulk and scale of the development, will result in unreasonable impacts on neighbouring residential amenity.

The non-compliance of a raised 1.9m high Entry Walkway and 1.9m high External Terraces positioned less than 2m from our rear boundary is clearly unacceptable. There are now 1.65m high privacy screens added to the raised terraces, but this now creates a 3.5m high walled effect to our rear boundary. There

are direct sight lines from multiple locations along the Entry Walkway and the 1.9m high raised terraces facing the neighbours.

The removal of the landscape buffer zone approved under DA 2019/1336, for passing bays and bin stores is unacceptable. The Northern Passing Bay removes the 0.9m deep soil landscape zone, that was providing privacy screening to 47 Lantana Avenue. The Northern Passing Bay also is immediately adjacent letter boxes and bins to be used by HSPD residents. This is totally unacceptable. The Southern Passing Bay removes the 0.9m deep soil landscape zone, that was providing screening to 47 Lantana Avenue. The Southern Passing Bay now has no landscape privacy screening to the private open space facing 47 Lantana Avenue. This is totally unacceptable. The Garage Bin Store is now set 1m away from the opening bedroom windows of 47 Lantana Avenue. The smell and noise from such a large garbage area set immediately adjacent opening neighbours windows is totally unacceptable.

We attach a photograph from 47 Lantana, showing the height of the Garbage Bin Store and the proximity to the openable windows.

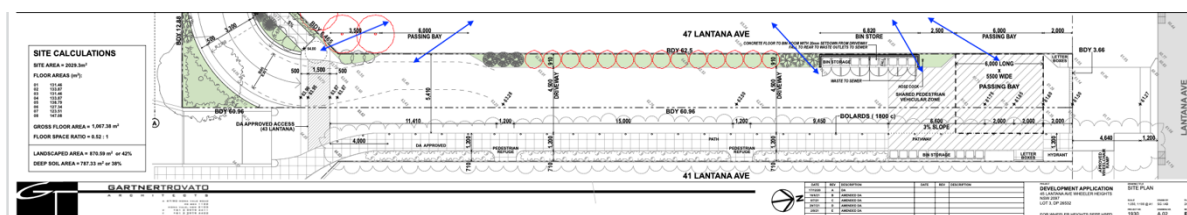


*The above overlay, shows the survey of our house in relation to the Bin Store and Passing Bay.*

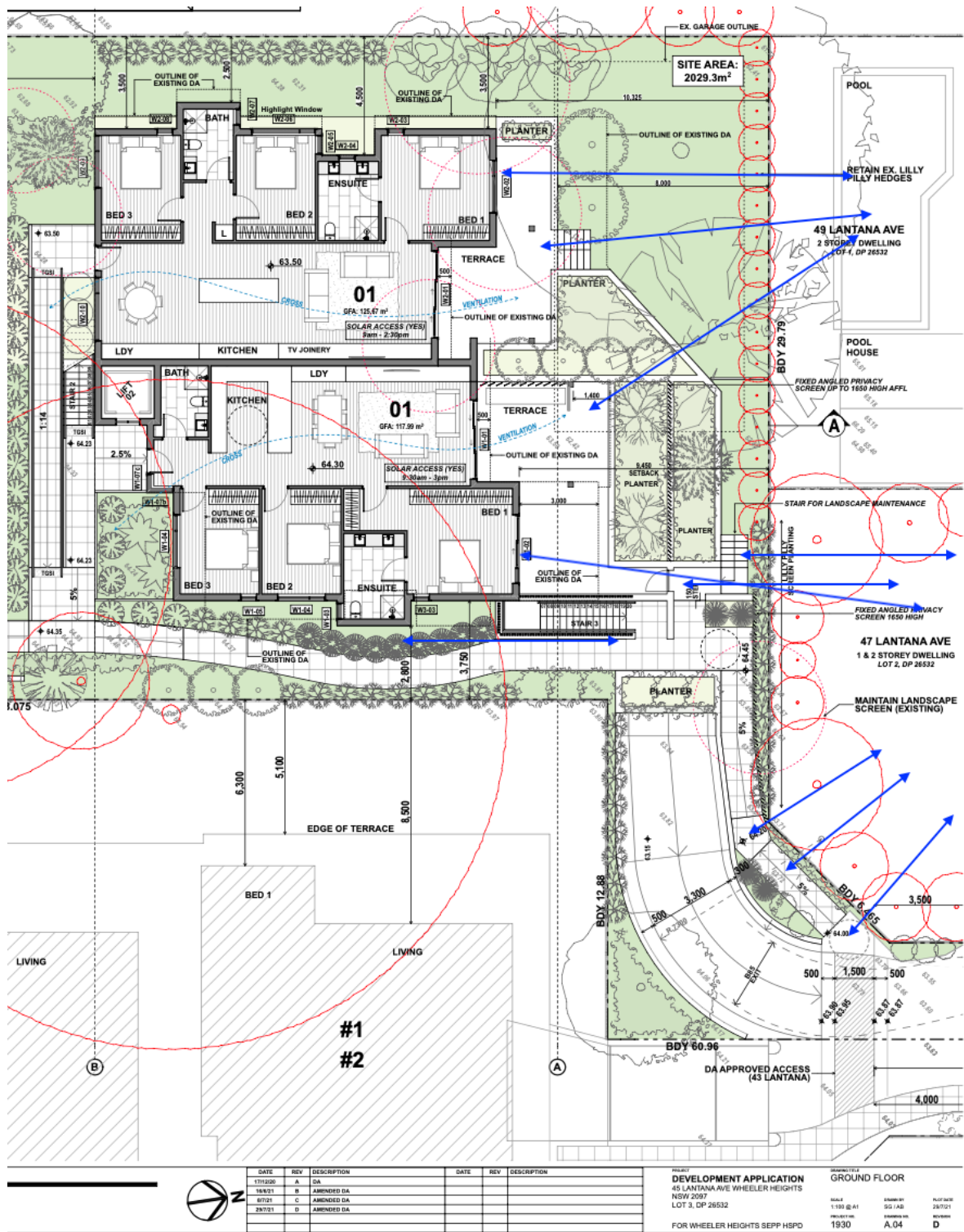
The bin store needs to be totally relocated to within the basement, with no holding zone adjacent 47 Lantana Avenue windows. We also have a substantial increase of traffic movements beyond the legitimate expectation of a R2 development.

We bring to Council's attention multiple privacy breaches, that are a direct result of poor design. We now have passing bays without adequate screening to neighbours POS, substantial bin enclosures on property boundaries and onto neighbour's POS, elevated entrance walkways looking directly into neighbour's POS, elevated terraces from units looking directly into neighbour's POS, elevated stairs looking directly down into neighbour's POS, and a flurry of 3m high privacy screens that create unacceptable bulk and scale position very close to our boundary that cause other amenity loss including solar loss.

The spatial arrangement of the proposed development to design 1.9m high elevated entry approaches, and 1.9m high elevated terraces on or near neighbour's boundaries is poor design. There is inadequate width in the entry zone to allow for passing bays, and no zone for a suitable privacy landscape zone to protect neighbour's POS. Refuse storage is inappropriately located.



**Blue arrows defining the privacy location breaches**



**Blue arrows defining the privacy location breaches**





***View towards subject site from #49 Lantana. Residents of the subject site will have a direct line of sight from the raised terraces above the proposed garage that is more than 1m above ground level existing.***

We contend that the Development Application should be **REFUSED on the following grounds.**

NBLPP is not satisfied **the garage being more than 1m above ground level existing, creating a three-storey envelope**, is not adequately addressed within the SEE and fails to demonstrate that:

- compliance with the SEPP development standard is reasonable or necessary in the circumstances of the case;
- there are insufficient environmental planning grounds to justify contravening the development standard.
- the applicant's written request has not adequately addressed the matters in this respect as the request has not addressed the significant under forecast of GFA
- the proposed development is not in the public interest because it is inconsistent with the objectives of the particular standard and the objectives for development within R2 Low Density Residential zone

Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development presents excessive bulk and scale within the low-density residential setting, and attributes to unacceptable impacts upon the public domain, the amenity of adjoining properties and the amenity of

the dwellings proposed. In particular, the form and massing of the proposal is inconsistent with the design principle of clause 33 (Neighbourhood amenity and streetscape) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (SEPP HSPD), the Seniors Living Policy, the objectives of clause 4.4 (Floor Space Ratio) of LEP

Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development fails to ensure adequate visual and acoustic privacy is maintained for adjoining properties and achieved between dwellings proposed on site, inconsistent with the provisions of clause 34 (Visual and acoustic privacy) of SEPP HSPD, the Seniors Living Policy and the requirements and objectives of DCP D8, particularly in relation to raised 1.9m high Entry Walkways and 1.9m high Terraces positioned close to neighbours rear boundaries.

Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the provisions of clause 50 of the Environmental Planning and Assessment Regulation, in so far as the application is not supported by the information listed in Schedule 1 relevant to the amended proposal before Council.

Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2014:

- Clause 2 Aims of Policy
- Clause 26
- Clause 29 Character
- Clause 30 Site Analysis
- Clause 31 Design of in-fill self-care housing
- Clause 32 Design of residential development
- Clause 33 Neighbourhood Amenity and Streetscape
- Clause 34 Visual and Acoustic Privacy
- Clause 40 Development Standards
- Clause 50

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the LEP:

- 1.2 Aims of Plans
- 2.3 Zone Objectives Zone R2 Low Density Residential
- 4.3 Height of Buildings
- 4.4 Floor Space Ratio

Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the following provisions of the DCP

- B7 Front Boundary Setbacks
- C2 Traffic, Access and Safety
- D3 Noise
- D8 Privacy

The proposed development is contrary to the Environmental Planning and Assessment Act 1979 NSW having regard to s 4.15 (1)(b), (c), (d) and (e) given the insufficient information provided with the development application to address the likely impacts of the development on the adjacent natural environment, the suitability of the site and matters raised by the public with respect to the likely impacts that would be caused.

The proposal is contrary to Section **4.15(1)(b)** of the *Environmental Planning and Assessment Act 1979* in that it will have an adverse impact on the natural and built environments in the locality.

The proposals are unsuitably located on the site pursuant to Section **4.15(1)(c)** of the *Environmental Planning and Assessment Act 1979*.

The proposal is contrary to the public interest pursuant to Section **4.15(1)(e)** of the *Environmental Planning and Assessment Act 1979*.

The Development Application should be **REFUSED** by NBLPP

Yours faithfully,

**Linda & David Moss**  
**47 Lantana Ave**  
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**NSW 2097**

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