
Sent: 10/08/2020 9:59:54 PM
Subject: DA.2020/0092 - 70 Lauderdale Avenue, Fairlight - DDP on Wednesday, 12th August 2020 at 9.00 am - OBJECTION SUBMISSION
Attachments: 70 Lauderdale Submission 10 August 2020.pdf;

Dear Sir,

I refer to the above Development Determination Panel on Wednesday, 12th August at 9.00 and hereunder attach my Objection Submission to be read by the Panel.

I look forward to receipt of written confirmation that my Objection Submission has been considered by the Panel.

Yours faithfully,
Michelle Montgomery

0416 098979

OWNERS OF 72 LAUDERDALE AVENUE SUBMISSIONS TO PANEL

RESPONSE TO: DEVELOPMENT APPLICATION ASSESSMENT REPORT

Condition 21 Landscape works completion

We submit that condition 21(ii) should be varied so that it is consistent with condition 21 (iii). Overall condition 21 recognises that planting in accordance with Council's Masterplan be undertaken as permitted by site conditions and as overseen by Certifying Authority delegation to the privately retained arborist, Blues Bros.

Condition 21 (ii) requires a large tree of "less than 6 metres" be planted on the northwest corner of the subject property.

Condition 21 (iii) includes *"each tree [be] located away from common boundaries, planted at least 4-5 metres from buildings, and at least 4 metres from all other trees, and shall be positioned in locations to minimise significant impacts on neighbours (by spacing) in terms of blocking winter sunlight, or otherwise be positioned to minimise any significant loss of views. Tree selection should be approximate to the height of the subject building or less at maturity."*

For suggested alternative species selection by the Certifying Authority refer to Blues Bros. Arboriculture advice and recommendations, dated 5 June 2020".

We observe:

- there is not 4 metres from the proposed tree to lilly pilly trees at our Rosedale Avenue boundary and podocarpus (native plum pine) trees along our common boundary with the subject property;
- the proposal is to plant the tree very close to and not away from our common boundary with the subject property and it will overshadow our yard and garden and our pool deck;
- the proposal is to plant the tree within 4 metres (not *"at least 4-5 metres [away] from"*) the western garage on the subject property or our below ground, block wall, concrete floor, plant room and above ground swimming pool heater and pipes;
- the maximum *"mature height of at (sic) less 6 metres"* is not *"approximate to the height of the subject building or less"* but is about twice the height of the garage;
- the proposed tree, where none exists, will unreasonably block the view corridor for neighbours on northside Rosedale Avenue between our house and the western setback of the proposed building, who will already suffer harbour view loss because of the proposed building.

Fundamentally, the proposal to plant a large tree in the northwest corner of the subject property, where no large tree exists, unreasonably disregards the detrimental affect on our amenity of morning sun, in Winter but particularly during Spring to Autumn. Our home was deliberately architecturally, thermally designed to achieve high environmental value and be energy efficient. We constructed a northern overhang for protection from mid-day Summer sun and a large concrete slab, thermally insulated below, to retain capture and store heat during Winter. It is breathtaking that Council does not highly value environmental home design.

The proposal for a mature tree of up to 6 metres in Condition 21 (ii) fails to meet Council's own tree policy in the following respects:

-A large tree in the position will not be *"in keeping with the current character of the landscape"* because no large tree exists there;

-It will *"impact neighbours through shading, loss of views [and] damage fencing"* and our stone walls, plant room foundations and swimming pool heater infrastructure.

Condition 23 Privacy Screens

Whilst this condition adequately addresses fixing louvre angles to protect neighbours privacy; to achieve its purpose the words *"and position"* should be inserted after the word *"angle"* so that it is clear that the louvres cannot be slid back to open the louvred walls. It would then read: *"...The angle and position of louvres (blades) are to be fixed....."*

Side setbacks

We understand the plans not to have been varied since our submission in March 2020 which acknowledged that the western side setbacks in the Master Plans met with our agreement reached with the developer. We oppose any further intrusion and non-compliance with western side setbacks because of the detrimental overshadowing and loss of light to our property.

Construction on Sundays and Public Holidays

Our adult son suffers Autism disorder and Hyperacusis. For him building noise is literally very physically painful and he is highly intolerant of it. We accept that we, as a family have to live with his situation in the community; but could a condition be designed that, so far as possible, excavation, hammering, loud sawing and other noisy construction work be carried out Monday to Saturday and not on Sundays or Public Holidays except with our agreement? We would do whatever we practically could to accommodate it.

We know that this is a big ask.

Kind regards

Michelle Montgomery

72 Lauderdale Avenue,

Fairlight 2093.