
Sent: 15/04/2020 7:17:57 AM

Subject: DA 2020/0302 41 Upper Clifford Ave Fairlight.

Attachments: Final Letter of objection 39 Upper Clifford Ave JV comments 14.4.20.doc;

Further to your letter of notification dated 31 March 2020 in relation to the application identified in the above subject line please find enclosed my submissions in relation to the proposed development.

Please acknowledge receipt of the attached submission.

Regards
Bruno Cara
bruno@brunocara.com

Northern Beaches Council
1 Belgrave Street
MANLY NSW 2095

April 2020

Dear Sirs,

Re: Notice of Proposed Development NO: 2020/0302
41 Upper Clifford Avenue Fairlight.

I am in receipt of your letter of notification in relation to the development proposal referred to above.

I make the following observations in relation to the proposed development.

A proper assessment of the Plans is not possible given the lack of detail on the plans and the failure by the applicant to comply with Council's DA Lodgement Requirements 19/20 ("Lodgement Requirements"). In particular I note that the following deficiencies.

Floor Plans.

- Dimensioned distances of the new works in relation to site boundaries are not provided;
Whilst the site plan contains some information to the extent that the floor plans relate to Unit 1 (pages 08,09,10) there are no distances provided.
- Any minimum setbacks/building lines (shown dotted) as prescribed by any relevant plan or policy, i.e the requisite 1/3 wall height setback alignment;
Whilst the site plan contains information in this regard, to the extent that the floor plans relate to Unit 1 minimum setbacks are not shown thereby making it difficult to assess the extent of any failure to adhere to the required planning policy.
- Wall structure type and thickness.
No detail is noted on the floor plans, relating to Unit 1 indicating wall structure or thickness of walls and in particular thickness of privacy blade on the upper south eastern terrace (page 10).

Elevation and Section Plans:

- Sections and elevations are to include proposed (RLs) for all ridge lines, ceilings and ground.
The elevation plans (pages 13 to 21) fail to provide the detail required by the Lodgement Requirements. It is not possible by a simple reference to the elevations (pages 14,15,and 17) to understand the proposed height of the

building, or ceiling heights. The simple assertion of the 8.5 meter to terrain offset is insufficient for a proper assessment to be made particularly in circumstances where natural ground level is not indicated on the same plan to facilitate a proper test as to the accuracy of the assertion.

- Roof pitch and eave width.
No detail is provided.

The information required by the Lodgement Requirements is both relevant and necessary for an informed and accurate assessment of the proposed development in context of plans so that notified parties can make an informed assessment of the proposal. Parties potentially affected by the Applicant's proposal should not be required to extrapolate information from the many documents submitted by the applicant as this can result in a failure to identify adverse impacts, which are cleverly buried in the complexity of the material lodged by the Applicant and his advisors.

It is my submission the applicant should be required to resubmit the plans so that they comply with the Lodgement Requirements.

Notwithstanding that the applicant should be required to resubmit compliant plans, I make the following observations based on the information provided.

1.Height

Statement of Environmental Effects asserts that the proposal complies with the 8.5m Height of Buildings Standard under the LEP. Similarly the Height Limit Analysis (unnumbered drawing) isometric height blanket drawing purports that there is no element that projects above the height limit. However the elevations, on DWG 20 and DA21, clearly demonstrate that the western elevations of both buildings do not comply.

The absence of critical RL's of the height of the building (including lift) makes it impossible to assess the extent of any exceedance.

Given the absence of a clause 4.6 variation request, then approval of the proposal would be prohibited. Notwithstanding, there are no foreseeable reasons to justify that strict compliance is either unnecessary or unreasonable nor sufficient environmental planning grounds to support such a variation.

The Council in its assessment should also give weight to the visual impact of the building when viewed from the waterway and foreshores, as it will present as a voluminous and intrusive built form layered to appear as 6 storeys from distant views, where the Council's DCP clearly advocates a desired future character of two storeys.

It should also be noted that considering that the lower level of Unit 1 is up to 3m above natural ground level, and the presence of a large unexplained void in the lower building below the

ground floor, there is ample opportunity to lower the building without affecting the development.

2. View Loss

The Statement of Environmental Effects also omits to provide a photo montage of the proposed Upper Clifford presentation so that a comparison can be made between the existing Upper Clifford street scape as depicted in Figure 3 , 5 and 6. This seems to be a calculated omission given that figure 13 is included so as to provide the Lauderdale Avenue presentation of the proposed development given that it has a more benign impact on the streetscape. It is evident that an Upper Clifford presentation would demonstrate that the current public view corridor available from Upper Clifford would be obliterated not to speak of the view impacts on neighbours to the north.

The reasonableness of any such impact must be properly assessed against the objectives of the zone and the objectives of the height standard and specific view sharing principles under the DCP. In this regard, any impact on either private or public views is unreasonable where it results from a non compliant building including setbacks, height and FSR.

3. Setbacks

The proposed development envisages the complete demolition of existing structures. The site analysis plan (DA00) and site plan (DA01) indicates a 400mm set back off the western landing of my property and is said to be to manage my ventilation screens. I have three ventilation screens one of which is located within my garage and given that no dimensions are provided on the plans it is not possible for me to assess whether the 400mm set back is sufficient to accommodate the third vent. The proposed garage appears to sit deeper than the existing garage to be demolished but given the lack of dimensions it is not possible to discern by how much. The existing garage currently sits at the same length as my garage. Given that DA01 indicates that the 400mm set back commences from the proposed new garage I can only assume that the setback does not make allowance for the third vent. Accordingly, any setback should be designed to accommodate the third vent.

Council will note from DA10 that my terrace has been setback 1metre from the building line. This was a condition imposed on me by council so as to accommodate privacy and noise amenity concerns by the then owners of 41 Upper Clifford Avenue. Given the proximity of the upper terrace of Unit 1 to my property I would propose that there be a requirement that the applicant setback the eastern wall and terrace an additional metre to comply with the DCP 1/3 wall height control so as to create a greater separation between the two terraces thereby improving the visual and acoustic amenity of both properties and reduce overshadowing impacts.

4. Privacy and amenity

Both the lower and upper terrace to Unit 1 which are extremely generous in size, will potentially overlook my pool area having a RL of 55.35.

Plan DA 10 indicates that the building line of the habitable space to the upper level of unit one terminates in line with my building line. Given that there are no dimensions provided on the plans it is difficult to confirm that this is the case. On the basis that the building line of Unit 1 does not project beyond my building line then I have no concerns. In this regard a condition should be placed on any approval to ensure that the building incorporating habitable areas to Unit 1 are not to project beyond the building line containing the habitable areas of 39 Upper Clifford Avenue.

5. Parking

It is proposed to create an additional parking space by the erection of a double garage. Street parking in Upper Clifford Avenue is at a premium and therefore the garage should be limited to one space so as to prevent the loss of consequential street parking. The applicant could otherwise relocate the space to the north west corner of the site where there is a natural depression and which would allow for two spaces in a vertical car stacker.

6. FSR

The Statement of Environmental Effects asserts that the proposed building complies with the FSR requirement. On close examination of the GFA Calculations Plan DA25, it is apparent that the individual internal stairs that are NOT used for "common" vertical circulation have been excluded from the GFA calculation. Similarly, the entry and lobby along the east side of the lower building has not been included. I also note that there is a large void depicted in the section between the basement level and ground floor for which no details have been provided as to its use and necessity. It is clearly future floor space as there is no justification for the excessive excavation contrary to the DCP.

It is also noted as identified above, that no wall thickness dimensions are provided. The walls curiously scale at 400mm thick, which is an exaggerated thickness that will ultimately translate at construction to at least another 200mm along the perimeter of each level of additional floor area!

7.Lack of Consultation

The applicant has disappointingly proceeded to lodge the application without consultation with neighbours .However, in the Statement of Environmental Effects Mr. Boston asserts that the development has been designed with a detailed site analysis and then proceeds to rely on the accompanying documents to argue that impacts are within acceptable tolerances. Given that there has been no consultation with or access to neighbouring properties council should

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deal with great caution in its consideration of this statement and in particular the view analysis diagrams.

In the absence of dimensions and RL's, it is not possible to undertake an accurate and informed assessment of the Applicants proposal and its potential impacts on the amenity of my property. Accordingly, the applicant should be required to resubmit plans that comply with Lodgement Requirements and to erect templates verified by survey delineating the height and outline of the building so that impacts can be properly assessed.

For the reasons referred to above, the development application in its current form should be rejected.

Yours faithfully,

Bruno Cara.