

RE: DA2020/0347 – New Seniors Housing Units with Basement Parking Development Application at 49 Forest Way, FRENCHS FOREST NSW 2086

As neighbours to the proposed development at 49 Forest Way, we wish to submit to the local planning panel these specific concerns in relation to the proposed development:-

Proximity of proposed driveway to 25 Adams Street driveway

Of specific concern to us is the proximity of the proposed new driveway to our own driveway. We note that the site plans and traffic report have failed to show our driveway which is very close to the alignment of the proposed new driveway. The independent traffic report and planning assessment report makes no mention of the detailed concerns that we raised in relation to the impact of this driveway location on our residence. We would stress that an approval of this development will cause a substantive impact to our amenity because of the proposed driveway location and in that respect there should be no lenience granted to the site area requirement this development relies upon which must demonstrate that there are no adverse impacts to neighbours. As it stands if the development driveway proceeds in its current location all cars entering from a westerly direction on Adams Street will be visible turning into the driveway, and at night time headlights will be directed straight at our master bedroom and living room. Because of the angle of our shared boundary the side fence will offer no visual or acoustic protection and we will have to endure constant disruption and likely interrupted sleep. This is presently the case when vehicles perform a U Turn in our driveway because Adams Street is a no right hand turn from Forest Way and it occurs around once a week and frequently wakes us up.

Northern Beaches Council don't have a published guideline on requirements for the alignment of driveways in relation to property boundaries, however what is being requested here is in conflict with numerous other Councils and I have also discussed the matter with Brad Morgan a senior Civil and Traffic engineer at JN Consulting who has advised that in his experience such an alignment is generally not accepted except in special circumstances. The following excerpts from other Council controls show that what is being proposed here is not reasonable:-

Lake Macquarie City Council

"Driveway should be at a 90 degree angle to the kerb and not extend past the prolongation of the property boundary."

Tweed Council driveway requirements

"Driveways are to be orthogonal to the road carriageway and should not encroach on a neighbouring frontage. Similarly abutting driveways are not encouraged and a minimum gap of 6.0 metres between driveways should be provided where possible to facilitate on street parking."

Northern Rivers Council (Lismore Council)

"Driveways are to be square to the road carriageway and not encroach on neighbouring frontages. A minimum gap of 6.0 metres between driveways should be provided where possible to facilitate on street parking. A minimum offset of 0.3m from common property boundaries is required."

Planning panel request:-

As neighbours to the development who will be significantly impacted, we request the planning panel condition the DA such that the driveway is moved 2.4m further to the west and does not extend past the prolongation of our shared boundary.

NBRS&PARTNERS PTY LTD

Level 3, 4 Glen Street,
Milsons Point NSW 2061 Australia
nbrsarchitecture.com

ABN 16 002 247 565

Sydney: +61 2 9922 2344
Melbourne: +61 3 8676 0427
architects@nbrsarchitecture.com

DIRECTORS

Andrew Duffin NSW reg. 5602 (Nominated Architect), James Ward MDIA,
Garry Hoddinett NSW reg. 5286, Rodney Drayton NSW reg. 8632,
Andrew Leuchars LA reg. 035, Geoffrey Deane NSW reg. 3766

STUDIO PRINCIPALS

Anthea Doyle, Trevor Eveleigh, Sophie Orrock, Samantha Polkinghorne, Brett Sherson, Andrew Tripet, Jonathan West, **SENIOR ASSOCIATE** Barry Flack
ASSOCIATES Hung-Ying Foong Gill, David Heap, Derek Mah, Craig Stephen



Extract from Ground Floor Plan amended and scaled in Bluebeam. Our driveway superimposed in red onto plan (not shown in submitted drawings). Vehicles turning into driveway from west will direct headlights through master bedroom and living room windows. Driveway extends 2.4m past our shared boundary position, driveway only 6m from our driveway.



Red line is a projection of our shared boundary to street kerb. Blue line and watering can represents proposed location of the eastern edge of new driveway – 2.4m past the line of our boundary fence and only 6m from our driveway crossover. Headlights of vehicles turning into the driveway will be clearly visible from our bedroom and living areas with no fence blocking the light or sound.



Loss of significant tree 1

The proposal will result in the loss of significant trees, and specifically the loss of trees 1 and 2 is detrimental to our amenity. These Liquid Amber street trees are an important characteristic of Adams Street and provide much appreciated shade to our front yard through the warmer summer months as well as a leafy outlook from our living areas and bedroom window. The arborist report indicates that these trees have A1 retention value. As noted earlier the position of the driveway will mean loss of two beautiful trees, and the noise and headlights of cars coming straight into our master bedroom and living area. SEPP 2004 Clause 33, Chapter 3 Part 3 Division 2 states **(f) retain, wherever reasonable, major existing trees.**

Planning panel request:-

We request the planning panel require a relocation of the driveway to at a minimum enable retention of tree 1.



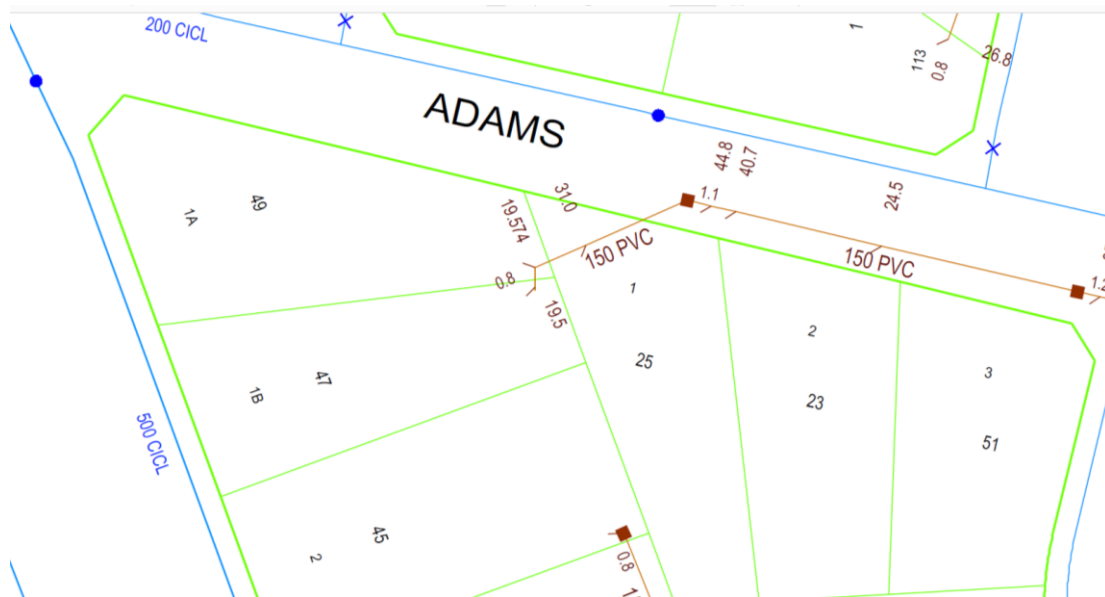
Outlook from our living area showing trees 1, 2 and 3 and the beautiful autumn leaves and shade they provide our front yard and the street.



Trees 1 and 2 provide considerable visual amenity to Adams Street. Both trees listed with A1 retention value in arborist report. Proposed driveway relocation would enable tree 1 to be retained which is well within our side of the prolonged boundary through road reserve.

Sewer connection

The development has not included details of how sewerage connection will be managed. At present we believe that the sewer service for 49 Forest Way travels through the NW corner of our property as attested to in the Dial Before You Dig plans (see below). There is no registered easement on our property and we will not be allowing for this pipe to be connected to if the development is approved as it may encumber future development of our site or require ongoing maintenance.



Planning panel request:-

We request the planning panel condition the proposed development at 49 Forest Way to include a connection to sewer that does not infringe on our property or rely on creation of an easement.

Overlooking

Of particular concern to our family is visual overlooking from the proposed first floor residence to our shared front boundary. The NWN orientation of our residence to the street and the proposals east façade elevation which is not at a 90 degree relationship to our façade but less acute. As a result there are clear unobstructed sight lines from the proposed developments upper floor windows and balcony directly into our master bedroom and also our front porch - which I note is the only covered outdoor space we have. The proposed development positions an ***elevated*** ground floor balcony 12.9m from our boundary - with no fixed privacy screening. The RL of proposed ground floor balcony is RL151,070 and our floor RL is approximately 147,000 - some 4m higher.

The proximity of the proposed ground and first floor windows and balconies will direct overlook our master bedroom. We are heavily reliant on leaving the curtains of this room open to provide natural sunlight and warmth to our residence as well as enjoying the leafy outlook created by the deciduous street trees which create a delightful environment to the room. The resultant development will mean that we will always potentially have a neighbour looking directly into our master bedroom whenever the curtains are open. The tree outlook we presently enjoy will be destroyed with the removal of trees for the new driveway. This driveway will be clearly visible from our bedroom and living room windows and headlights will penetrate these spaces at night time with no barrier.

The proposed development is reliant on contravention of the minimum site area requirement and asserts that there is no impact which is incorrect.

Planning panel request:-

We request the planning panel condition the proposed development at 49 Forest Way such that the ground floor balcony overlooking our residence be provided with fixed vertical louvres to the full extent of the opening at a blade orientation that prevents overlooking.



Photo from our master bedroom to 49 Forest Way – there is already a sight line from our window to the existing residence – proposal will lead to significant overlooking and loss of privacy as new windows and balconies will be much closer in proposed location to current situation and prevent us from enjoying northern light

Conclusion

We moved to Frenchs Forest to enjoy a peaceful lifestyle in a suburb defined by a leafy spacious quality. Approval of this development will have real impact on the current amenity that we enjoy with the position of the driveway, overlooking and loss of tree 1. Minor adjustments to the DA conditions will make a significant difference to these impacts and are readily able to be addressed. We would be greatly appreciative of the imposition of suitable development conditions that address these real concerns.

Regards,

Andrew Tripet

NSW Architects Registration **7279**

Studio Principal - Life & Culture

☎ +61 405 450 808

NBRSARCHITECTURE.