
Sent: 28/09/2020 11:44:56 AM

Subject: Submission (203 Riverview Rd) to DDP Meeting 29/9/20 - REV 2020/0023 205 Riverview Rd

Attachments: Submission to Development Determination Panel Meeting 29.docx;

Please find the attached submission for DDP meeting 29/9 and site visit today.

Regards, Dinusha Peiris.

Submission to Development Determination Panel Meeting 29/09/20 – Section 8.3
Review of DA 205 Riverview Rd, REV2020/0023.

Thank you once again for the opportunity to provide our comments on the review of the DA for No.205 Riverview Road. In our previous submission to this review we have indicated our primary concerns are the overshadowing and privacy impacts that arise, due to the significant violation of the building envelope and proximity of the top level to the southern boundary of the proposed development at 205 Riverview Rd.

We support the previous determination of the DPP (June 2020) citing five grounds for refusal of the proposed development and in particular the scale of the upper level being an issue. We strongly agree with the changes suggested by the DDP to the top level in May 2020, namely a reduction in the top level on the southern boundary and also commencing the elevated stairs from the carport close to the road such that they reach ground level sooner. However, we realise that this was a possible compromise solution with other changes to the design to address the issues also feasible. In this current review of the DA, the assessment report indicates that those grounds for refusal and suggestions for a compromise are not worthwhile and hence have largely been dismissed on the basis that the design can't change and the proposal meets some other council requirements, although the non-compliance issues still exist.

We have several points of disagreement with the assessment report and the following comments summarise our concerns.

(1) Solar Access

- Setting the top level in by the amount suggested by the DDP does result in an increased access to sunlight by the north facing bedroom window. The architect indicates a 30mm improvement to sunlight at top of north facing bedroom window (letter 1/6/20), which would translate to a bigger section of floor space receiving direct sunlight. The assessment report (September 2020) contradicts this and says that the improvement in sunlight is on the wall above the window. We have not seen any shadow elevation diagrams that indicate the impact, hence it is unclear what the exact improvement is. However, it appears there is at least access to an improvement in sunlight (if the window is re-sized to allow for this) as compared to having no access to sunlight over the day in winter.
- The Assessment report continually justifies the lack of solar access on the basis of the existing 205 Property and its positioning relative to our house at 203 already contributing to this. We agree that there is an existing problem due to the lack of setback of the 205 property and built structures (ie house, staircase, landing with a roof next to the kitchen, carport) along the southern boundary. These contribute to not only loss of light and ventilation but also cause a sense of enclosure, visual obstruction and privacy issues. Hence, we don't agree that the existing problems should be compounded further. By contrast, our house at 203 Riverview does observe a reasonable setback to neighbouring properties, other than the northern side of the garage, which was built and approved in the current position well before we bought the house (25 years ago).
- The Assessment report justifies the lack of sunlight to the bedroom window on the basis that this room is not as used during daylight hours. As this is a bedroom and private space for a young 18 year old adult, and contains a study and work area, it is relied upon as a quiet and functional space during most parts of the day. Having no

direct sunlight in this room for the entire day will have a significant negative impact on this space and the individual concerned.

(2) The new staircase along the southern boundary from the carport down to the kitchen level of the 205 property

- The DDP asked for the stairs to commence closer to the road and reach the ground faster, before it becomes problematic in particular for the north facing bedroom window in our house.
- The architect letter (1/6/20) indicated that this was possible if the garbage bin enclosure was moved to the back of the garage, which would be visually problematic from the road. However, the more solid nature of the proposed 205 house continuing back from the carport at the same height already creates a new visual obstruction when looking from the road.
- The merit of re-locating the staircase to minimise impacts has not been adequately addressed, rather a tall privacy screen is being suggested. We are concerned that a 1.6m privacy screen, located several metres above ground adds to the built structure along the southern boundary, hence is likely to impact on light and ventilation.
- The stairs are described as not being “used on a regular basis”, however these stairs connect the entire southern side from the road to the waterfront, as the stairs connect to an inclinator that is also built directly on the southern boundary. This side also houses the kitchen and swimming pool, hence we disagree that these stairs will not be used regularly.
- When the carport for the 205 property was originally proposed, we asked for a 1.5m setback between the carport and the southern boundary to the 205 house to allow for light and ventilation. This was a Council condition to the DA approval for the carport, which we were told would last during the life of the carport. Building staircases with screens in that setback area violates that condition.

In general, we are very concerned that a violation of council set back and other policies by the original dwelling at 205 Riverview road has been steadily added to by a series of developments over the past 20 years, with each one being justified given the previous state of non-compliance. Each development has added to a significant loss of amenity to the southern neighbouring 203 property, which would not have arisen if the development planning policies had been upheld to a greater degree.

Shane Oliver and Dinusha Peiris,

28/09/20

203 Riverview Rd, Avalon Beach.

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