

57 Cutler Rd Clontarf

Lot 30 Sec DP 25654

Modification to Development Consent
mod 2024/0570

Dear Reeve Cocks,

Here is my objection and safety matters that require urgent attention.

Yours Sincerely

Sez Cardis.

Rear deck and tree removal

Reduced Green Space

With regards to replacing the lawn with a concrete slab and extending the rear terrace with concrete slabs and wooden decking:

This would compromise the amenity of my property acoustically. The bedrooms to my property are to the rear of the property and a meter from 57's proposed extended terrace. The noise generated from this proposed deck and any hard surfaces would greatly affect our sleep and the peaceful enjoyment of our lot. It would be overlooked by people at 57 looking over from the raised slab on fill. The real bedrock level at 57 is three meters below the fill that has been placed on top of the bedrock to create an artificially high-level area. The topography has a 15 to 20-meter steep dropdown between 55 and 59 Cutler Rd. The home and these proposed modifications do not follow the topography of the steep site.

A concrete slab/ decking is not an open green space. The proposed greatly reduced green landscape amount should have been calculated and presented on the landscape plan and the open green space ratio should have been provided by the architect. 57's oversized house leaves very little green open space.



Loss of Rear Tree

57 seeks to remove the rear tree as they claim it is "causing damage to the existing sewer infrastructure". Council has been informed and issued notice of breaches of Development Consent Conditions in relation to this same rear tree.

57's rear tree creates a cooling effect. It mitigates the strong western sun and heat island effect. Without the shade of the beautiful mature Angophora Costicata in 57's rear garden my house will bake in the intense full western sun.

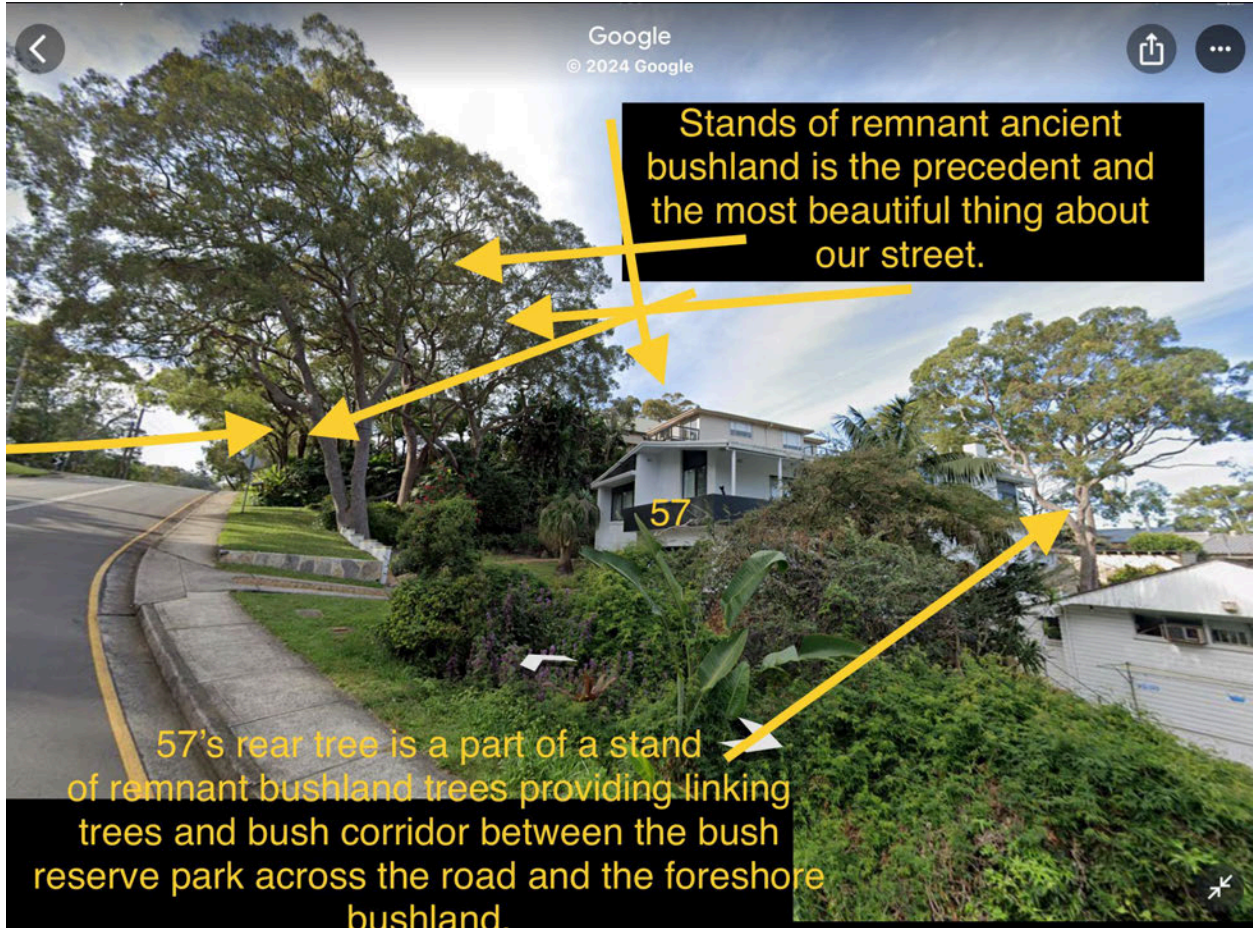
The beautiful mature Angophora Costata in 57's rear garden is full of wildlife such as kookaburras, lorikeets, rosellas, tawnfrogmouths, magpies, king parrots, currawongs, cockatoos, butcher birds, and channel billed cuckoos. I have enjoyed watching them every day and photographed each species in this tree. Every Western window of my home drinks in the beauty of this exquisitely beautiful mature tree.

Below is a picture of 57's rear tree viewed from my living room window facing West. The current rear setback roofline has allowed this view sharing for 70 years.



Many of these birds are territorial and have a small territory. Therefore this tree is critical to their well-being and it is a protected species, mature and an important bush corridor habitat tree. The beauty of 57's beautiful mature tree filled with wildlife is awe inspiring on a daily basis and one of the very best things about living here. It is priceless and cannot be replaced. I want to continue to see nature and continue to experience the cooling effect of 57's rear lawn and the lovely shade from the 57's rear tree. The mature native Angophora Costata is a protected species and designated by 57's Raintree Arborist to be retained and protected in perfect condition.

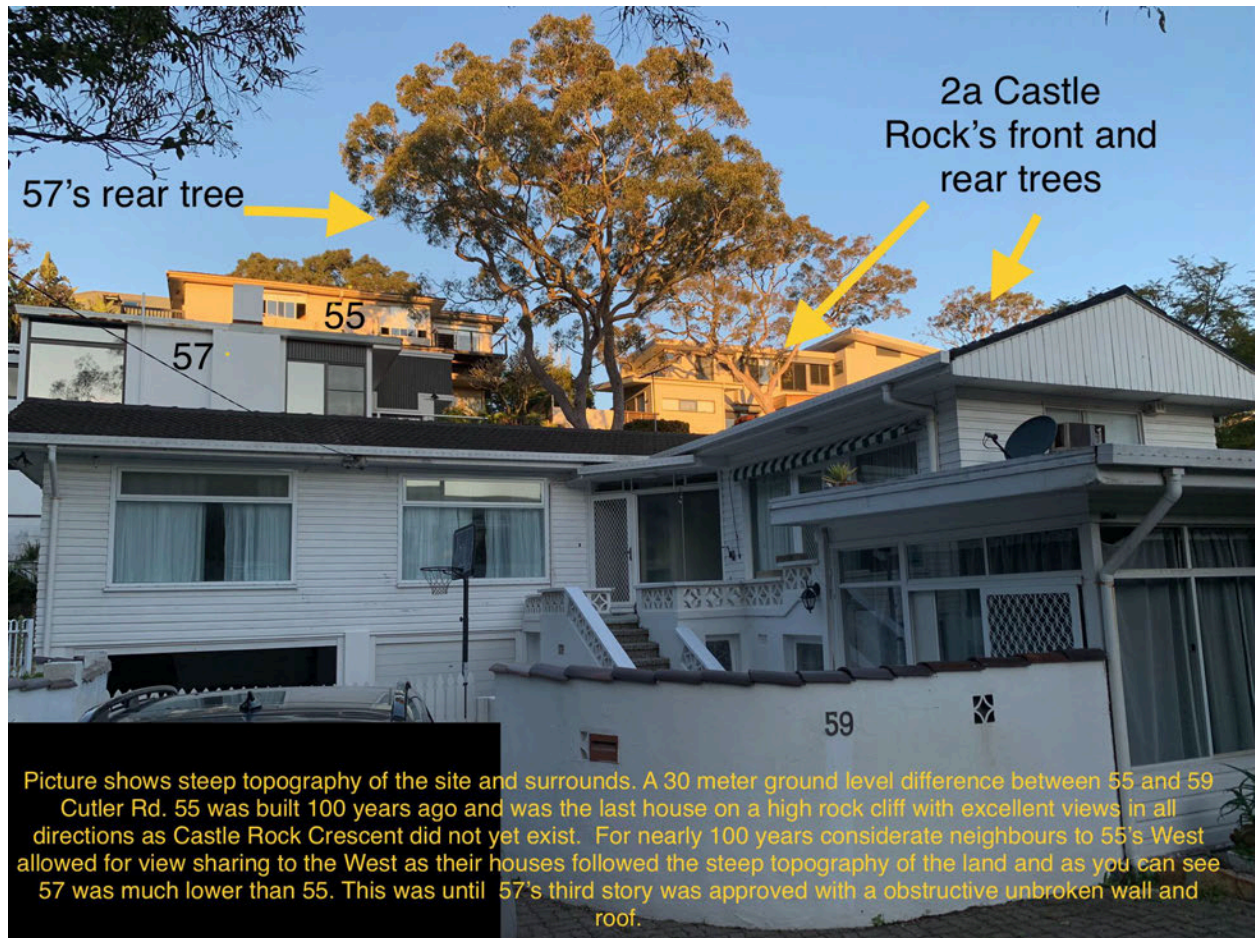
Numerous properties have trees beside their buildings within this area. 57's arguments do not follow the existing precedent.





55 Cutler Rd

3 years ago · [See more dates](#) >

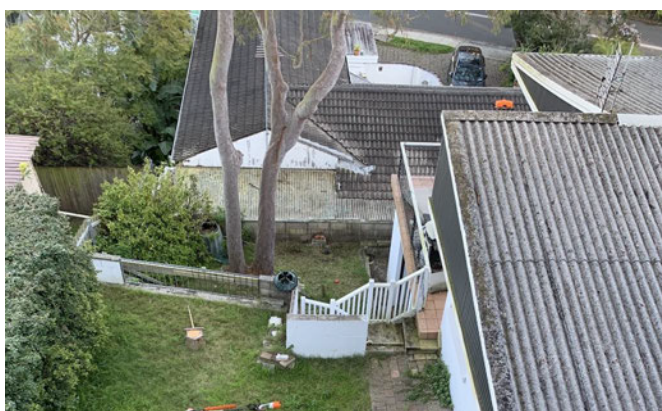


Within the arborist report, it was found that under the Tree Assessment Schedule, the rear Angophora, was of “high” significance, and “viable for retention” (page 16).

The plumbing at the rear should be redirected. My entire sewer easement through 57 was recently replaced and directed as part of 57s construction; and this seems to be a common and relatively simple practice. To the east of the rear tree there is at least ten meters of two meter deep fill right up to the boundary wall between 57 and 55. This means there is ample room outside out of the critical root zone of Tree 3. This should be further inspected, as the area is fill, not rock (despite the claims made in an effort to remove the tree and expand their rear terraces at height not following the steeply sloping topography of the site and surrounds).

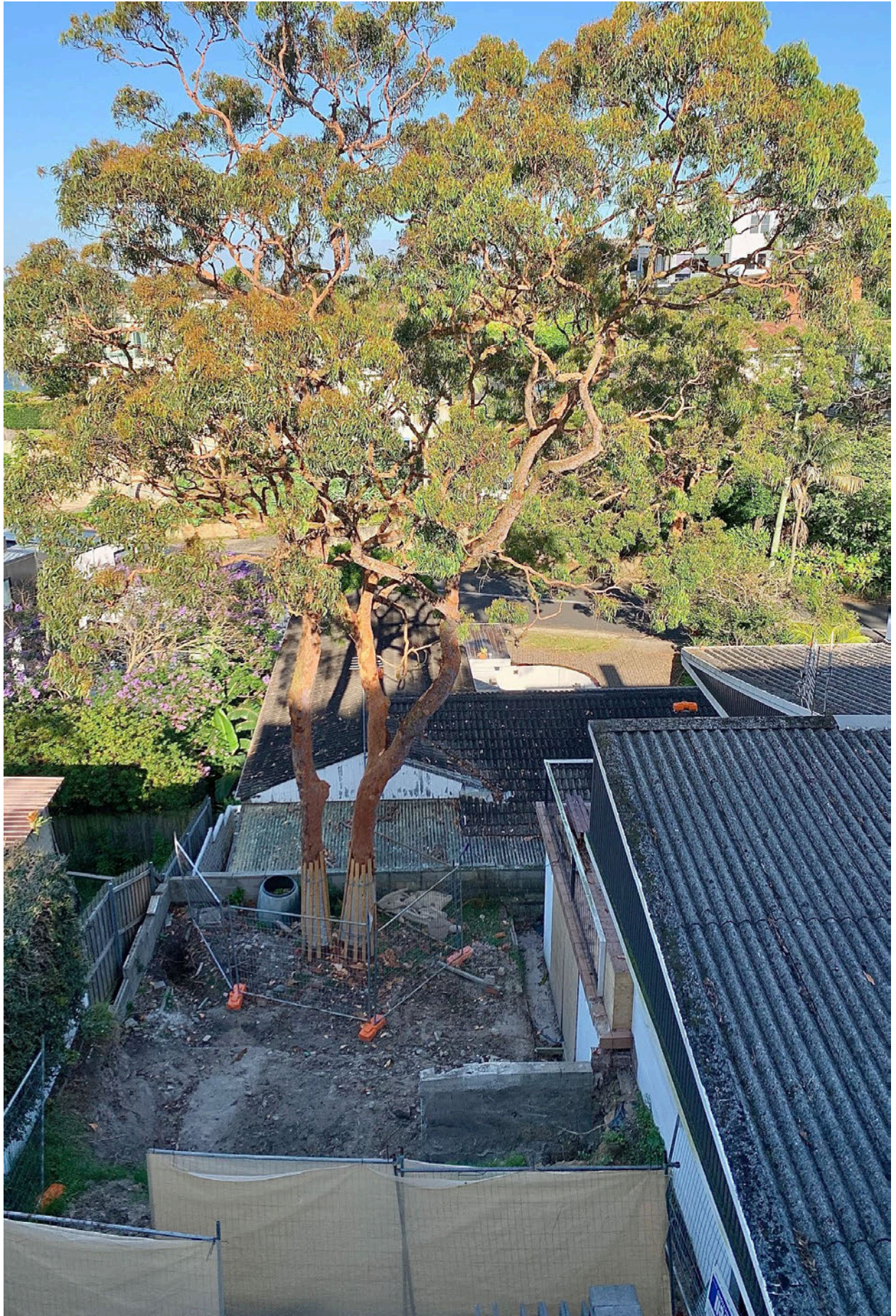
The claims about the roots are questionable in nature. The document from March 2022 for cleanup was from when the Popovac's visitor flushed a nappy down the toilet. I was told about it. It had nothing to do with the rear tree roots.

A refusal to redirect sewerage should not be entertained at the expense of a protected tree.





Below. As it is currently with 2 -3 meters deep of fill removed around rear tree



Concerns regarding 57's proposed roof

57 seek to modify their roof.

The roof and building is different to what was approved.

The approved roof was a flat roof with a less than 2% fall.

The proposed roof is timber framed. The timber framing is ironic, given requirements for steel framed roofs in bushfire prone areas, and their argument that the rear protected tree should be removed on account of fire safety reasons.

The proposed roof is a skillion roof, with a steeper and more noticeable pitch.

Despite the change in pitch, there are no updated shadow diagrams or view loss diagrams.

The steep pitch of a potential skillion roof may adversely negatively affect my views, and sunlight. The architect has minimised this completely. The architect has provided no architectural drawings of the pitch nor details of the new proposed roof.

The height of the building already exceeds the overall height by 7.52%. Any additional increases to the building height will continue to compromise my amenity and views. This variation upon the height requirements has already shown a disregard for precedents including *Furlong*, which grant strong protection to side views, particularly those not replicated on other sides of the property. This western view is the only side of my house from which I can enjoy the iconic and irreplaceable oceans view to Chinamans Beach, including the land sea interface; Balmoral Beach Pavilion and beach and Centerpoint CBD from my living room. I am blocked out by 2 and 2A Castle Rock, the houses in front of me. Any further incursions on my only remaining western view over 57's roof this would be unjust.

Regarding the removal of the existing roof, I am concerned by the lack of acknowledgement of its asbestos composition. During the development application process, the presence of asbestos was continually denied, and marked as 'nil' on the waste registers submitted by the Popovacs. The entire roof of 57 is made out of friable and broken Super Six Asbestos.









No exposure to asbestos is safe.

It should be confirmed that an Asbestos Management Plan has been devised and is carefully followed by the builders; and that all of those onsite are aware of the significant presence of friable asbestos. As such, all neighbours should be notified before any removal occurs.

Windows

The statement of modification states amendments to “window sizes”. However, it appears no information was provided regarding the exact nature of these amendments, or what windows would be altered. There are already approved windows which I opposed which will look directly into my living room and bedrooms and private open space. Any further enlargements or additions would exacerbate the loss of acoustic and visual privacy, and compromise our amenity.

Storm water tank and barbeque

A storm water tank would block my views to Chinamans Beach





from the bottom-floor living space. It would be appreciated if it could be relocated elsewhere. It is currently to be situated alongside a barbeque. I have previously requested that the Popovac's barbecue not be positioned on the South Eastern wall right under our house. A Specialist doctor's certificate was previously provided to Council in relation to 57's development which states my daughter has a Severe and Persistent Asthma Classification and smoke is one of her asthma triggers.

Asthma attacks for a Severe Asthmatic can quickly be life threatening.

Fencing





Fencing

The builders are currently at work on the side boundary wall. If the wall was increased it would provide a safe boundary fence. The Popovac's know I have wanted a safe boundary fence since 2020.

There is currently no fencing and a 2.5 meter drop for me off my entry path that is situated on the boundary. Safe fencing is mandatory.

The Popovac's builders dug a massive 7 x 2 meter hole on top of the 2.5 meter existing drop from my boundary entry path. The builders and Popovac's left this huge dangerous drop of nearly 5 meters for months. This was and still is very dangerous for residents at 55 Cutler Rd. Permanent fencing really should be a mandatory requirement as part of a million dollar development on an unsafe unfenced site.

Excavation under the building. Since work began 4 months ago there has been constant daily rock sawing, jack hammering and excavating under the house making it deeper and bigger. Throughout this period huge industrial exhaust fans have been positioned to emit 57's building dust directly potentially containing asbestos fibres onto my house, both out of 57's front door and rear door. I have overheard that there will be an entirely new concrete slab poured, so when does it become a new build?

Door issues remain unresolved

The front wall of 57 extends some 8 meters or more in front of 55's front building line. However 57's front door is positioned near the rear of their house along the side path directly facing , with a direct line of sight into my home's bedrooms and living room. I have requested 57's front entrance faces the street because of acoustics, noise from door banging and visual privacy issues. Our houses are in close proximity, and for the last few years, I have continuously been awoken by 57's door banging every day from 5am. This will be compounded by the proposed yet unbuilt open colonnade, which will cause echoing of the door banging. As such, I also request that the proposed colonnade please be a solid block wall and solid roof. If the owners of 57 remain unwilling to relocate their entryway. A solid colonnade would also minimise the sensor flood lights that constantly flash into our windows throughout the night.

Kind Regards,
Sez Cardis