

By email to: planningpanels@northernbeaches.nsw.gov.au

Date: 22nd March 2022

SUBJECT: DA2021/1522 - 189 Riverview Road, Avalon Beach

To the Northern Beaches Local Planning Panel,

I am the owner of 187 Riverview Road, which is the southern next-door neighbour to the proposed development.

I addressed the NBLPP on 2 February 2022 regarding this development and I remain very concerned about the material inconsistencies and errors in the plans, the height and breadth of the windows facing my property, the extent of overlooking and the proposed Vergola. My specific comments relating to these concerns are listed below;

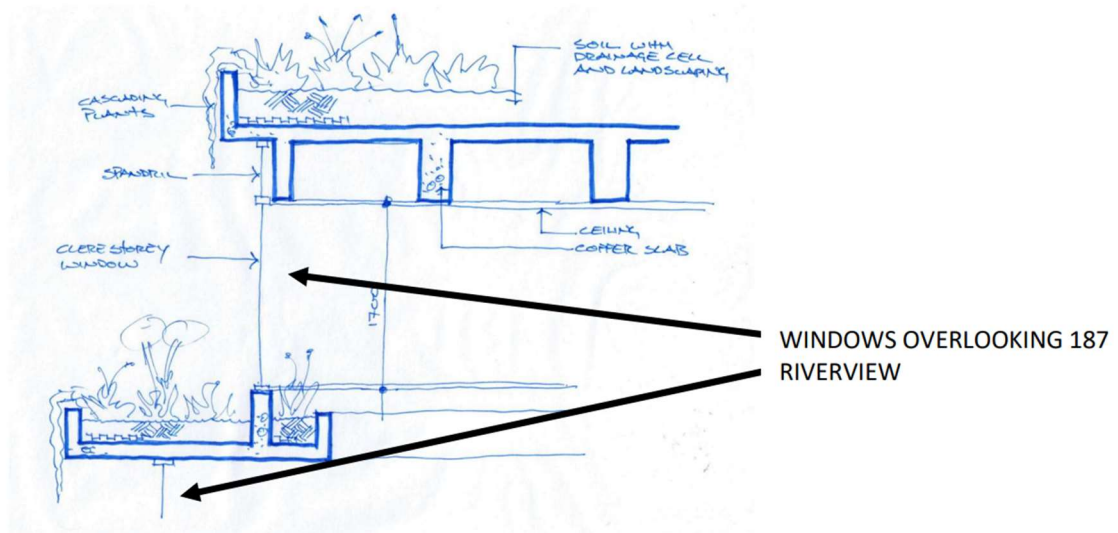
1. **Windows and Visual Privacy.** Full height walls made of windows and a large non-compliant rooftop terrace are proposed which will overlook my property;
 - a) Plans state “high level windows” but the renderings and drawings submitted show full height windows from floor level to ceiling (refer to the images attached in Figure’s 1-4 below). Given the cascading nature of the house, full height and full length windows all along the southern façade creates significant overlooking from higher levels inside the proposed house down into my house. There is limited or non-compliant screening proposed on the plans - the DCP requires screens with 25% transparency or windows with obscured glass. Practically the entire southern façade is proposed to be transparent glass and if a future development was to be undertaken on my property, the DCP would not allow me to have any windows on my northern side because they must be off-set from those in the adjacent building.
 - b) The Lounge, Music Room and main stair area at RL 26.60 look through full height windows onto my property. These plans need to be amended to require window sills at a height of RL28.3 in the “DOUBLE VOLUME” space and the Music Room western and southern windows, to maintain visual privacy (this will then comply with the DCP requiring sills to be at 1.7m above floor levels). Adequate screening of windows cannot be achieved by plants planted in a vertical garden – these could die/be removed - screening can only be achieved by the installation of an actual structure with maximum 25% openings or opaque glass.
 - c) A large rooftop terrace (which can be seen on drawings 001-200 (page 7), 001-311 (page 46), 001-270 (page 39), etc.) is proposed without any screening, further creating significant overlooking onto my main deck and property. Rooftop terraces are not permitted under the DCP. The proposed balustrading already exceeds the 8.5m height plane and 45-degree envelope so screening would result in further non-compliances.



Figure 1: Overlooking windows



Figure 2: Overlooking roof-top terrace



Sketch showing a section of the full height, full length walls made almost entirely of windows.

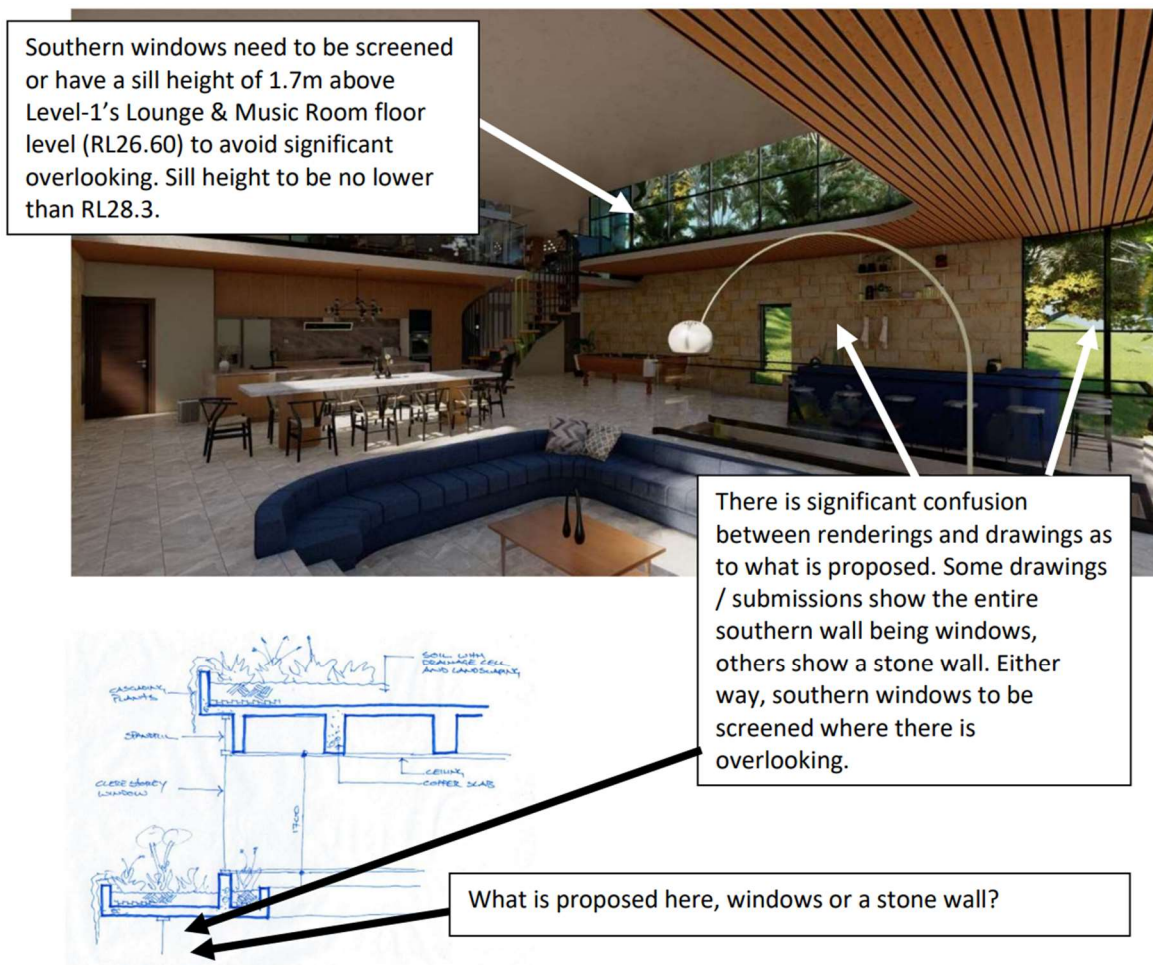


Figure 3: Overlooking & inconsistent design drawings / imagery

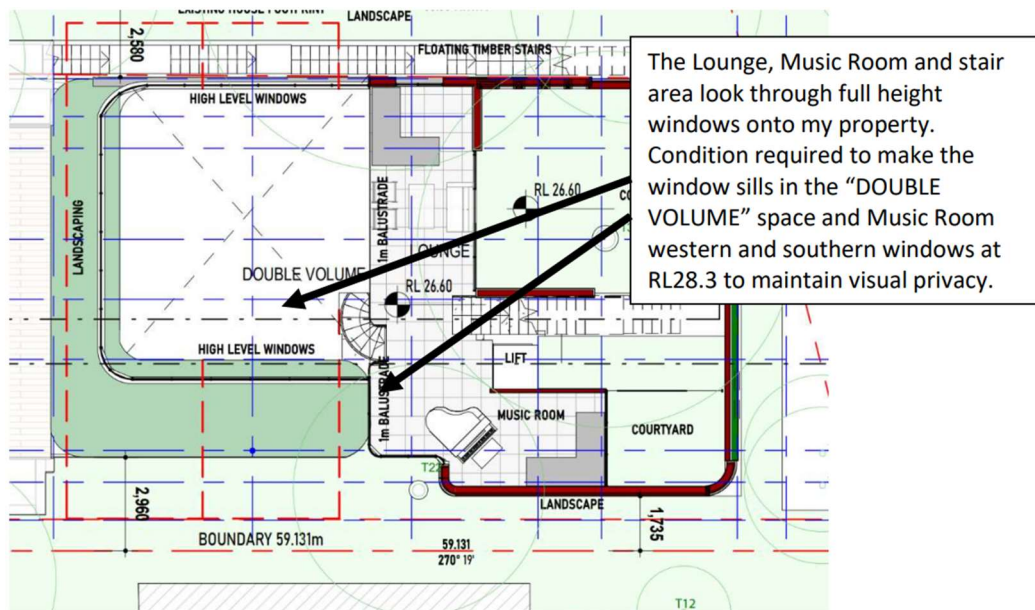


Figure 4: Overlooking from Level-1 Lounge, Music Room and Stairs

Requested Council conditions relating to Visual Privacy

- A. **Sill heights of the windows that face south, in particular the windows in the “DOUBLE VOLUME” space and the “Music Room” & “Lounge Room” area to have a sill height no lower than RL28.3. Other windows along the southern elevation to have a sill height of 1.7m above the floor level. Privacy screens to have maximum 25% openings per the DCP.**
- B. **The trafficable rooftop deck at RL29.90 be deleted along with the associated balustrade.** (The proposed balustrading already exceeds the 8.5m height plane and 45 degree envelope, therefore adding privacy screens would result in a greater non-compliance).
2. **Vergola.** The Vergola is not a lightweight structure, is outside the 45 degree envelope and appears to have been super-imposed onto CAD drawings and as a result its height and location cannot be accurately determined. I reference the following drawings:
 - a) Drawing 001-050 (page 2) shows no Vergola.
 - b) Drawing 001-101 (page 4) shows it as less than the width of the pool, drawing 001-211 (page 15) shows it as greater than the width of the pool.
 - c) Drawing 001-270 (page 39) shows it as in line with the top of the roof on the southern drawing but below ceiling level on the northern drawing.
 - d) Drawing 001-270 (page 39) is incorrect because it is not showing the Vergola as being well outside of the 45 degree envelope in the same manner as the other envelope exceedances are outlined.
 - e) Drawing 001-251 (page 20) doesn't show the Vergola as outside the 8.5m height limit but the Northern Elevation drawing 001-300 (page 41) does show it above 8.5m (it's not integrated into the CAD program).

- f) On drawing 001-300 (page 41) the top of the Vergola is drawn lower than RL26.60 but on drawing 001-301 (page 42) it's above RL26.60.
- g) Drawing 001-211 (page 15) shows several different levels on the one page.
I don't know where it is proposed to be built but it is clearly well outside of the 45 degree envelope, significantly impacts views and is non-compliant.

In the absence of height poles to show where this structure will be, I have determined the location as accurately as possible (given the variations in the plan supplied) and attached a photo of the structure below. When viewed from my kitchen, it causes a large unnecessary obstruction to my view and when viewed from my balcony, it is a greater impost on my views.

The Vergola as shown on the "East Pool Elevation" drawing is as thick as the roof structure. Vergola framework must be a minimum of 250mm thick and it is likely to be engineered more heavily given the very high wind loadings in this location. The heavily framed Vergola is well outside of the building envelope, is non-compliant and has a material impact on our views.

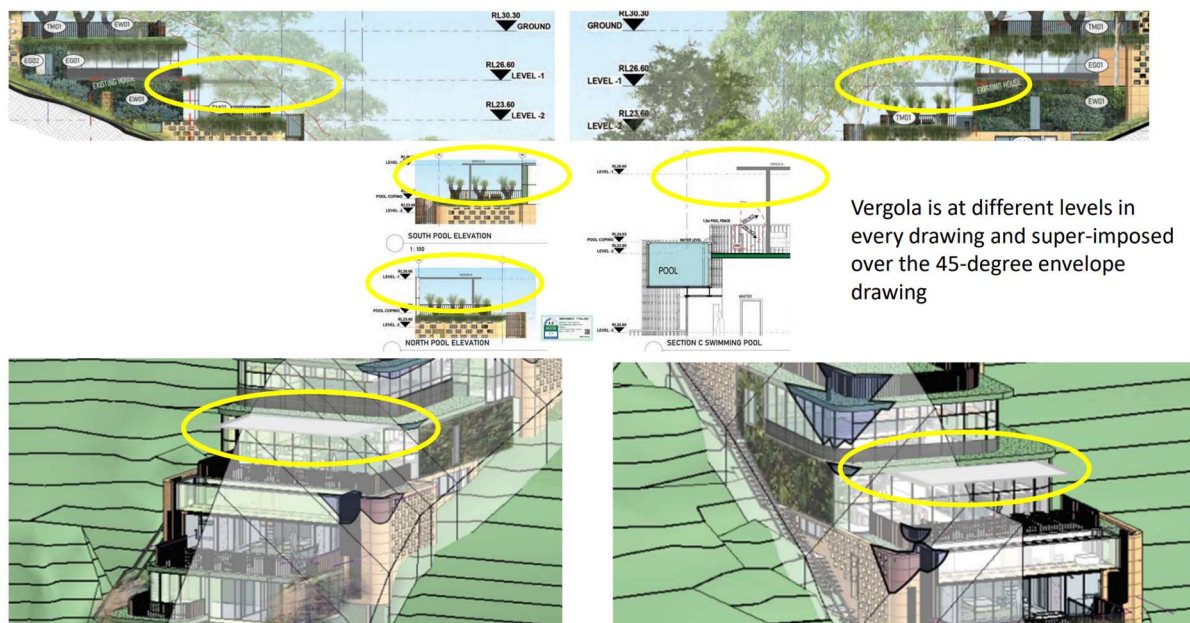


Figure: 5: Vergola drawn at different levels and incorrect envelope drawing.



Figure 6: View from my kitchen with the proposed Vergola drawn.

Requested Council condition relating to the Vergola
Removal of the Vergola

3. Shadow diagrams. The shadow diagrams appear to be incorrect, they show that a much higher and larger new building casts less of a shadow than the existing small house (see for example drawing 001-257 on page 26).

Requested Council conditions relating to Shadow Diagrams

Independent analysis be conducted on shadow diagrams to ensure accurate shadow diagrams are submitted for approval.

4. Drawing errors and inconsistencies

Action #3 from the first NBLPP meeting required a new Northern Elevation be produced but as referenced in my above comments, the Southern Elevation is also inconsistent with other drawings and imagery (refer to an example given in Figure 3 above). The windows and the Vergola are inconsistently represented in many of the drawings / sections. The 45-degree envelope drawing is incorrect and needs to be re-drawn including the Vergola. The shadow diagrams appear incorrect and need to be re-issued. It's unclear what is to be approved. There are a lot of plants drawn on the plans which obscure the actual structure – eg: the West Elevation drawing 001-302 (page 43) is showing so many trees that it's impossible to see what structure is proposed.

Requested Council conditions relating to drawings

The applicant to submit one set of plans, which show consistent levels, window designs, screening, etc., with the actual built structure clearly identified and not obscured by images of plants.

Summary of all requested Council conditions

1. Sill heights to be RL28.3 in the "DOUBLE VOLUME" space and the Level-1 Lounge/Music Room windows. Generally window sills to be 1.7m above adjacent floor levels where overlooking is possible;
2. Require any windows that have a sill height that allows residents to overlook my property to have privacy screening installed with maximum 25% transparency;
3. The trafficable rooftop terrace at RL29.90 be non-trafficable and the associated balustrade be deleted;
4. Deletion of the Vergola;
5. Revised shadow diagrams that correctly reflect the overshadowing (with the Vergola properly integrated into the CAD program);
6. Corrected drawings to be issued, including the Southern Elevation and revised West Elevation which clearly and consistently show the structure proposed.

Kind regards
Vanessa Lenthall