

25 May 2020

General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Attention: Catriona Shirley

Dear Catriona

DEVELOPMENT APPLICATION – 205 RIVERVIEW ROAD AVALON BEACH
APPLICATION NUMBER DA2019/1069

We write in response to your letter dated 20 May 2020 advising the above DA has been referred to the Development Determination Panel on 27 May 2020.

We have reviewed the assessment report and acknowledge and appreciate the recommendation to approve the development application. However, we would like council to review draft condition 7 – Amendments to the approved plans, which are primarily to do with the issue of privacy and overlooking.

We believe there has been a positive process of collaboration with council in the assessment of this application, where issues raised by council planners have been reviewed and addressed in amendments to the design. However, in the case of these conditions of consent, we have not had the opportunity to discuss the impact of these changes with the planner before they were included in the assessment report.

We accept and do not dispute the following requested amendments under condition 7:

- 4 – ground floor door
- 6 – lower ground floor door
- 7 – pool level door

In general, we request that any requirement for privacy screen or obscured glazing be specified to a height above finished floor level (say 1.65m above finished floor level). This is the case for amendment 2 under condition 7 for screening to the northern windows, which we also accept and do not dispute.

We dispute the need for privacy screens requested in amendments 1, 3 and 5.

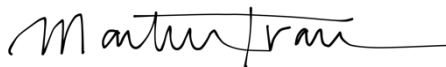
1 – first floor balcony: we do not believe a privacy screen is required on the northern edge of the balcony off the Master Bedroom. The edge of the balcony is set back 7.2m from the northern side boundary. This setback, as well as the roof of the level below, will ensure there will be no overlooking of the neighbour to the north. We are hesitant to accept requirement of a privacy screen to the southern edge of the balcony, especially given the southern neighbour has planted screening vegetation. However, we accept that overlooking the southern neighbour may be possible from the first-floor balcony.

3 – dining room window: we request that the privacy screen or obscure glazing be limited to the eastern two-thirds of the window (being two panels) and the western one-third remain clear. The view down to the south is significant and we think it is important to maintain this view from within the living areas. Obscuring only a portion of the window is a suitable compromise with maintaining privacy of overlooking the neighbour.

5. ground floor balcony: we do not believe a privacy screen is required on the northern edge of the balcony off the Living Room. The planter box along the northern edge of the balcony ensures the setback is 2.2m from the side boundary, limiting overlooking of the private open space of the northern neighbour. Additionally, there are no direct views to habitable areas from the level of the ground floor balcony.

Finally, we would like to clarify some facts in amendment 8 – setback to the elevated decking and access stairs. The proposed steps along the boundary between RL 15.400 and RL 18.160 are on natural ground – they are not elevated and so will not be set back 1m from the north boundary. The steps and deck between RL 18.160 and RL 20.550 are elevated and are able to be set back 1m from the north boundary. We request that the condition state that steps on natural ground are not required to be set back from the boundary.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Martin Tran', with a long horizontal flourish extending to the right.

MARTIN TRAN