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Subject: Online Submission

23/01/2021

MR Samuel Wallrock
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Clareville NSW 2107
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RE: DA2020/1591 - 316 Hudson Parade CLAREVILLE NSW 2107

Dear Sir/Madam,

We submit the following objection to:

Application No: DA2020/1591

Address: LIC 559856 and Lot 1 & Lot 2 DP 827733 316 Hudson Parade CLAREVILLE

The above site is a large block of 1903 square metres. The overall proposal for two dwellings increases the bulk and scale of the existing substantial dwelling. The total built structures including hard landscaping is said to total 1052 square metres, 55.28% of the site, leaving soft mostly non-native landscaping of only 44.7%. The proposed roof area is said to total 647 square metres.

The Secondary Dwelling in this application has a significant impact to our property to its south at 318 Hudson Parade ["318"]. This secondary dwelling is a rebuild and does not comply with the controls for such a dwelling.

Changes to natural ground level: Council need to be aware that the natural ground level of the applicant property to the south and west has been artificially raised well above the original natural ground level. The extent of this adjustment is clearly evident at its greatest extent in the south west corner when viewed from our deck. At this point the applicant's property is some 4 metres above the natural ground level [approx. RL 10820] in our property. In the applicant's survey the height in their property is stated at RL 14820.

The application recognises this fact. "The ground levels have been altered....." [Statement of Environmental Effects 7.5.3.]. The Survey [drawing No 43725DT] then takes the levels from the altered ground level to be the 'existing ground levels'. Then there is a written request to further increase the building height control [per clause 4.6 of PLEP 2014]. It seeks to justify this "..... because the proposal satisfies the underlying objectives of the control and that there is sufficient environmental planning grounds to justify the proposed variation."

These are spurious claims and particularly do not address the height domination of the secondary dwelling above our garden and grass area adjacent.

- The roof of proposed secondary dwelling is stated as RL 26085;
- Floor of the garage below is stated as RL 19210;
- Our ground level [garden & grass] at the base of the block wall in our property against the garage is some 2500 below the floor of the garage at approx. RL 17000.

Therefore, the total height of the proposed secondary dwelling above the natural ground level on our property is more than 9 metres! The altered ground level thus accentuates the negative impact of the current application to our enjoyed amenities.

Existing "workshop" structure: The applicant states that "at the time the workshop was approved in 1984 a secondary dwelling was not a permissible use under the planning controls that applied at the time". We note that the existing structure itself has similar negative aspects of bulk height and scale; privacy and overshadowing as apply to the current application. There is a single positive with the current structure in that the space above the existing garage is NOT approved as a dwelling.

The current DCP requirements: Clause C3.11 of the P21 DCP provides that secondary dwellings separate from the primary dwelling are to be single storey and are not to be sited over a detached garage.

- It is a two-story structure, and
- it is sited over a detached garage.

This is a rebuild & it does NOT comply.

The footprint of the proposed garage level is increased by some 75%. The proposed secondary dwelling is some 60.7 square metres and is larger than the garage structure below. The roof area is larger again with overhanging eaves shown as close as 670mm to our boundary with an increased bulky profile.

The proposal inflicts a significant detriment to our lifestyle and amenity:

1. The bulk & scale of the development is excessive and detrimental to us. It increases the existing footprint and increases the roof profile both in area and profile.
2. There is significant overshadowing of our entertainment area from the increase in size and shape of the structure. We believe the current shadow diagrams are not accurate in this respect and need to be redone for winter midday.
3. There is significant loss of enjoyed privacy. Due to overlooking of our northern existing entertainment area and our kitchen and living area as well as from its proximity to our master bedroom.
4. The proposed secondary dwelling is far too close to our boundary - less than one metre and as close as 670mm at one point.
5. The proposed secondary dwelling is excessive in height being almost 10 metres above the applicants ground level and greater than this to our natural ground level.
6. There is a lack of space for natural vegetation to filter the bulk and scale of the structure from our entertainment area.

There is more than adequate capacity for additional accommodation to be sited elsewhere on the block or within the principal dwelling structure without causing the negative consequences as outlined above. There is no justification for secondary dwelling to be sited above the detached garage contrary to the controls. It is noted there is another double garage proposed to be sited within the main dwelling structure. This secondary building should only be a single level structure if located as close as it is currently to our boundary.

Further issues: We note the following aspects and seek where applicable to have them incorporated in any DA and/or BA approvals:

1. That any amendments or variations to the current plans be advised in a timely fashion.
2. That windows on the south of the main dwelling be positioned to prevent overlooking of 318.
3. It is noted that the shared road easement is built for light traffic only being only some 100mm thick. I have already had to make repairs to it due to the use by excessive weight vehicles. This fact needs to be taken into account for the approval of any construction activity by the applicant. Where possible materials should be transported by means other than down this domestic driveway. In any event some guaranteed assurance should be required by Council to

ensure any damage incurred during construction is rectified.

4. My young children access the shared private driveway from time to time. Due consideration of this fact needs to be acknowledged for the necessary Occupation Health & Safety requirements contained in the BA approval.

5. That no air-conditioning equipment or equivalent be located on the south side of the new dwelling structure.

6. We look forward to the DA submission for the 316 boat shed including the plans for rectification of the damaged South Beach due to the construction of an illegal wall which now is subject of a stop work order.

In Conclusion: On a personal level my wife Lucy and I spent 22 months, many hours and significant funds physically working and supervising restoration work on our property. We finally have a happy home for our sons Oscar and Freddie now aged 6 & 4. We love the community and our sons attend Bilgola Plateau Public School and Billy Kids pre-school.

I feel Mr Walls has again demonstrated disregard for his neighbours and to the community. He has previously had stop work orders from Council on unapproved work on 314 Hudson Parade where his first wife lives and on illegal waterfront works which are yet to be resolved. Mr Walls has taken the view that the stop to his illegal works is our fault and this application reflects this view.

This application is outside the rules that the rest of the community is required to adhere to. The application pushes the boundaries both in height and distance from boundaries. When Mr Walls mother-in-law was caring for Mr Walls twin babies and in residence in the "workshop" above the garage for some 18 months we felt the impact of noise and over-viewing of our entertainment and living area.

My wife's English parents have spent many long holidays with us [pre Covid] staying in our accommodation under the garage. The proposed secondary dwelling also impacts this part of our house and is out of order. The area on Mr Walls south is our sanctuary. We sit out and BBQ, we play with the boys and entertain on our deck. We spend 90 percent of our time when home in this area. This is vital to our standard of living and privacy and enjoyed sunshine and the reason we purchased this property. Our master bedroom and en-suite is above our kitchen and the same principles apply.

Would you be happy with such a large development next door to your home? Should such a secondary dwelling be approved the value and appeal of our property would be significantly reduced.

Thank you for the opportunity to express our concerns with this application.

Yours faithfully

Sam & Lucy Wallrock