
From: Julie Haerland
Sent: 26/06/2024 1:37:17 PM
To: Council Northernbeaches Mailbox
Cc: Bob Vinks; Stef Vinks
Subject: TRIMMED: Objection- 25 Valley Road, Balgowlah Heights DA2024/0633
Attachments: 11am June 21.pdf; 12noon June 21.pdf; 10am June 21.pdf; 9am June 21.pdf; Objection Letter- 25 Valley Road Balgowlah Heights.pdf; SERVICE PROTECTION REPORT.pdf;

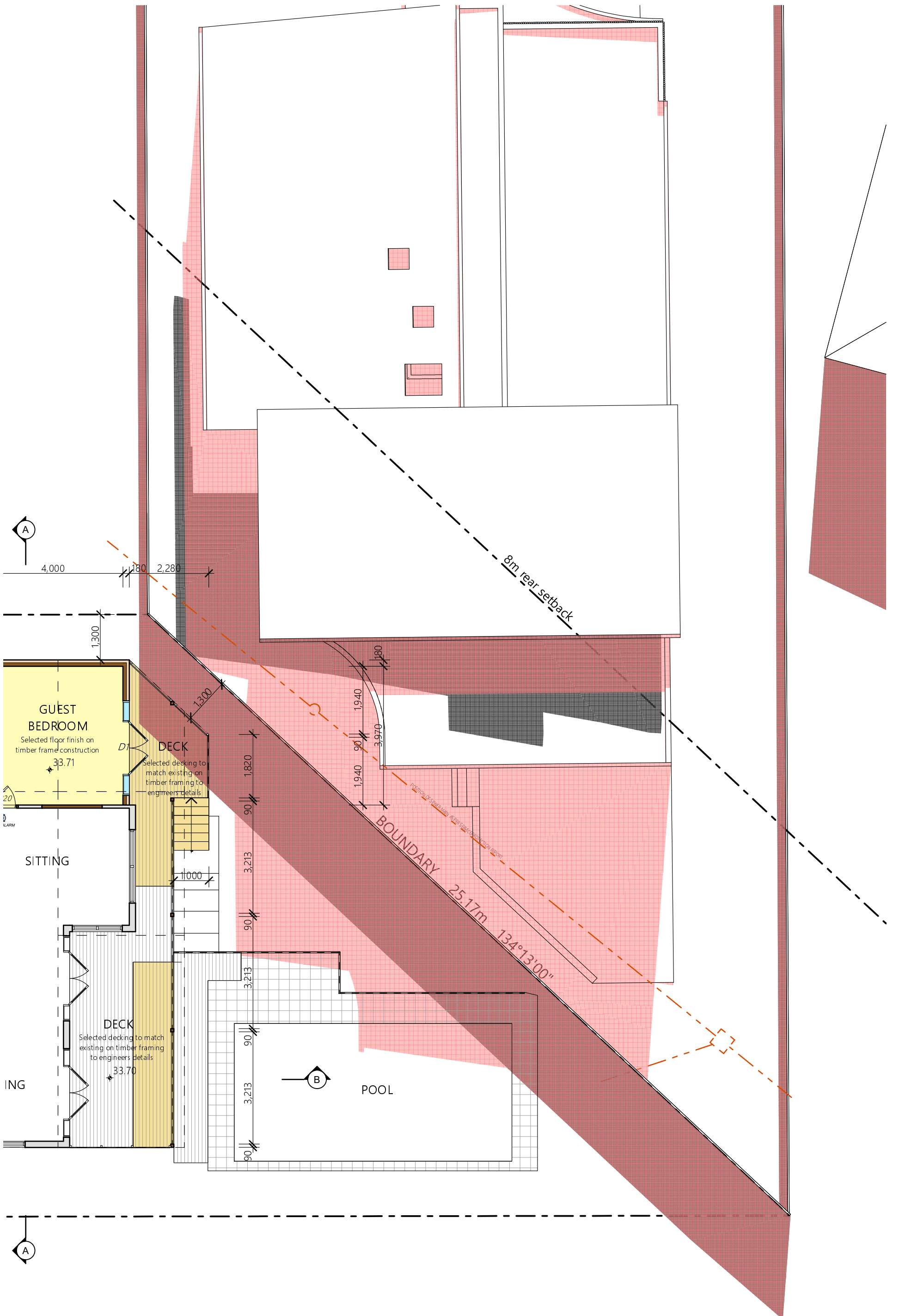
Attention: Lachlan Rose

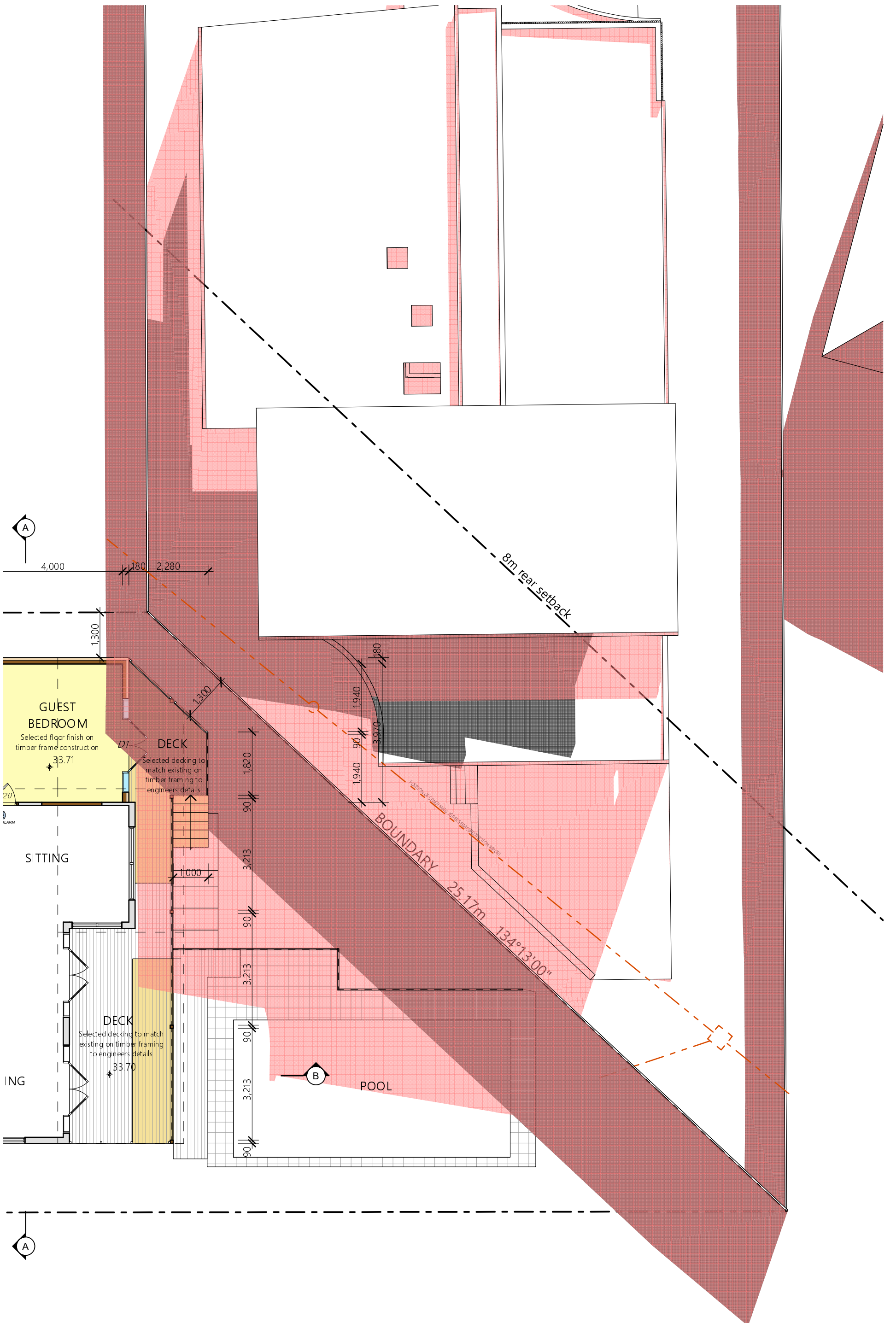
Please see attached the objection letter for the above DA from the owners of 18 Condamine Street, Balgowlah Heights. Also attached are some relevant shadow diagrams and the sewer service protection report to help back up this objection.

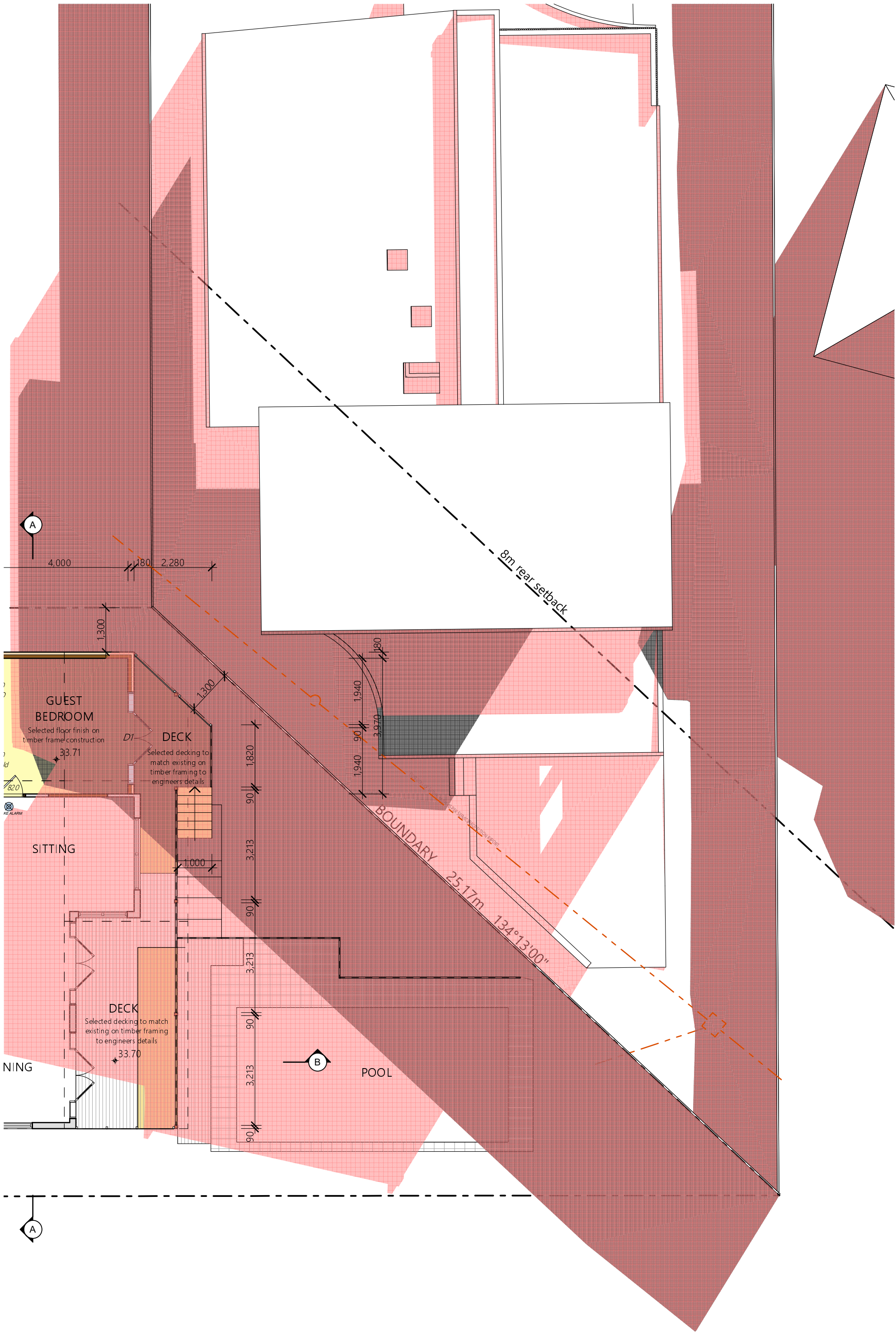
If you wish to discuss this further I can be contacted on [REDACTED].

Cheers
Julie Haerland











SUITE 106, 13B NARABANG WAY
BELROSE NSW 2085
mobile [REDACTED]

25th June 2024

Re- DA 2024/0633- 25 Valley Road, Balgowlah Heights

JAH Design Services has been engaged to assess the above DA on behalf of Robert & Stefanie Vinks the owners of 18 Condamine Street, Balgowlah Heights. As their property backs on to the proposed subject site, they wish to strongly **OBJECT** to the above proposal submitted before Council.

The proposal calls for alterations and additions to an existing residential dwelling They wish to object on the following grounds:

Firstly, it is noted that this looks more like a knock down and rebuild as only a small portion of the existing external walls are proposed to be retained with the entire existing footprint being gutted.

With respect to adherence to Manly DCP we note the following:

Clause 3.4- Amenity (Views, Overshadowing, Overlooking/Privacy, Noise). This is the area that Mr & Mrs Vinks object to the most. There seems to have been no consideration taken to address overshadowing, the lack of privacy or increased noise to their property. The survey plan submitted and design plans along with the statement of environmental effects provided with the application do not even show the footprint of their house or even mention the impact on their property which makes it very difficult for Council to assess the true impact of the development on the owners of 18 Condamine Street.

The proposed additions at 25 Valley Road come right up to the rear boundary and will completely overlook the private open space and swimming pool of 18 Condamine Street. The structure will create an extensive amount of additional overshadowing. We have provided shadow diagrams that now show the relationship of 18 Condamine Street to the proposed alterations at 25 Valley Road. As you can see the rear yard, deck and pool will almost be completely shaded from 9am right through to 12 noon. This will drastically reduce the amount of lovely northern light on the entire area of principal open space of 18 Condamine Street. The DCP states: *“New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June)”*. The proposal clearly takes away half of the existing sunlight and as such does not comply with aims and objectives of the DCP.

The proposed rear alfresco area is proposed to be only 1.494m from the rear boundary with no privacy screen proposed to reduce overlooking of the Vinks's swimming pool, yard and deck and private open space. The proposed floor level of the alfresco area is at the level of the top of the fence adjoining the two properties. This is completely unacceptable. The main objectives under the DCP with respect to privacy are *"To minimise loss of privacy to adjacent and nearby development by:*

- *appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;*
- *mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*

Furthermore clause 3.4.2.2 states for Balconies and Terraces that *"Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy."*

This proposal due to its proximity to the rear boundary does not provide screening and directly looks into the outdoor living areas of 18 Condamine Street. It will look directly over the pool, onto the deck and into the entire rear living space of 18 Condamine Street giving its occupants zero privacy. As such the objectives of the DCP are not met.

Clause 4.1.4- Setbacks. One of the main objectives under the DCP with regard to setbacks is to provide privacy and to provide equitable access to light, sunshine and air movement. With the disregard to the required rear building setback of 8m on the proposed alterations and additions these two objectives are not possible. While the subject site is an unusually shaped block there has been no thought put into the positioning of the new structure in relation to 18 Condamine Street. This is clearly seen by the lack of transparency with the application as there has been no mention of 18 Condamine Street within their documentation. Clause 4.1.4.4 states that *"rear setback between any part of a building and the rear boundary must not be less than 8m, the rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained and that rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss."* This proposal does not comply with any of these statements. The alfresco area is too close to the rear boundary and massively overlooks onto the private open space of 18 Condamine Street while the lower-level rumpus room also opens up way too close to the boundary which will result in a lack of visual and acoustic privacy. Even if you take the average of the minimum and maximum setbacks proposed it is still under the 8m required off the rear boundary.

Clause 4.15 Open Space and Landscaping- the proposal as stated in their SEE does not comply with the required 55%. By increasing the rear setback and footprint proposed this would be achievable.

Furthermore, it is noted that as part of the recent Council approval on 18 Condamine Street, the Boards sewer was pegged out (see attached). This pipe is shown on the shadow diagrams attached to this objection letter. The proposed alterations and additions at 25 Valley Road will impede this pipe. In fact, we would suggest that Sydney Water approval would not be given for the structures proposed.

In conclusion we feel that the proposal is not compatible with the existing adjoining or neighbouring properties. It has not taken into consideration the occupants of 18 Condamine Street at all as it is not even shown on the survey plan nor the related approval drawings and documentation submitted to Council. The impacts of the proposal cannot therefore be properly considered by Council without additional information being added to the drawings in their current form. We would ask Council to impose the following on any possible approval:

- Greatly increased rear boundary setbacks to provide additional privacy and reduced overshadowing of 18 Condamine Street
- Privacy measures to the rear alfresco- moving it further to the east and north.
- Strict adherence to the 55% soft landscaping
- Any hedging proposed along the rear boundary to reach a maturity of 2m maximum from ground level of 25 Valley Road

This solution will allow for the maintenance of the existing privacy levels enjoyed by 18 Condamine Street and it will reduce the amount of overshadowing of the northern aspect of the principal private open spaces of 18 Condamine Street and result in a development that is more in keeping with the surrounding area.

Regards

Julie Haerland

NOTE—TO BE READ IN CONJUNCTION WITH SURVEY: URBAN SURVEYING REF: 22087 DATE: 20/06/2022



SITE PLAN
SCALE 1:500



SERVICE LOCATION PRINT
NOT TO SCALE

NOTES:

1. I, MARC GAUDRY OF MGP BUILDING & INFRASTRUCTURE SERVICES PTY LTD BEING ACCREDITED TO CARRY OUT A SERVICE PROTECTION REPORT, CERTIFY THAT THE INFORMATION SHOWN ON THIS REPORT HAS BEEN PREPARED IN ACCORDANCE WITH THE RELEVANT INSTRUCTIONS AND ACCEPT FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION ON THIS REPORT.
SIGN: *Marc Gaudry*
2. FOR THE PURPOSE OF THIS REPORT, "BOUNDARY" REFERS TO THE ACTUAL PROPERTY BOUNDARY AS IDENTIFIED IN THE PROPERTY SURVEY PLAN. PHYSICAL MEASUREMENTS HAVE BEEN TAKEN FROM FIXED STRUCTURES (FENCES, RETAINING WALLS, BUILDINGS ETC) AND USED TO TIE THE LOCATION OF THE SYDNEY WATER ASSET(S) TO THE PROPERTY BOUNDARY.
3. NO BOUNDARY SURVEY HAS BEEN UNDERTAKEN. BEARINGS, DIMENSIONS AND AREA ARE FROM TITLE ONLY AND ARE SUBJECT TO CONFIRMATION BY BOUNDARY SURVEY.
4. SOME SURFACE EVIDENCE MAY NOT HAVE BEEN IDENTIFIED AT THE TIME OF THE SURVEY DUE TO SITE IMPEDIMENTS.
5. SERVICES BETWEEN SURFACE EVIDENCE (SUCH AS MANHOLES) HAVE BEEN ASSUMED TO BE STRAIGHT UNLESS PLANS INDICATE OTHERWISE.
6. WHERE THE LOCATION OF A SERVICE COULD NOT BE CONFIRMED DUE TO LACK OF INTERNAL/EXTERNAL ACCESS, LACK OF ACCESS TO THE MAINTENANCE STRUCTURES, LACK OF SURFACE EVIDENCE; THE SERVICES HAVE BEEN PLOTTED FROM SYDNEY WATER RECORDS AND NOTATED ACCORDINGLY. MGP IS TO BE CONTACTED AT THE CONSTRUCTION PHASE OF THE PROJECT TO CONFIRM THE LOCATION OF THE ASSETS AND PLACEMENT OF RECOVERABLE MARKS ONCE THESE ASSETS ARE EXPOSED BY THE DEVELOPER
7. SEWER LOCATIONS MARKS ARE NOT NECESSARILY ON BOUNDARY.
8. DO NOT SCALE FROM THIS PLAN, USE DIMENSIONS ONLY.
9. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.
10. THIS STATEMENT IS AN INTEGRAL PART OF THIS PLAN. REPRODUCTION OF THIS PLAN OR ANY PART OF IT WITHOUT THIS STATEMENT BEING INCLUDED IN FULL WILL RENDER THE INFORMATION INVALID AND NOT SUITABLE FOR USE.
11. PLEASE NOTE THE ZONE OF INFLUENCE IS 1 IN 1.
12. DATA OBTAINED IN THIS REPORT HAS BEEN TAKEN USING ON-SITE INSPECTION SONAR DETECTION, SURVEY & SYDNEY WATER HYDRA RECORDS.
13. STRATA: ROCK / SOIL
PIPE SIZE: 150
PIPE TYPE: VC

LEGEND:

SEWER MAIN		RODDING POINT		JUNCTION (PCP)	
MAINTENANCE HOLE		VENT SHAFT (Induct or Educt)		CONCRETE ENCASED SECTION	
ASSET INDICATOR		VERTICAL RISER		LAMP HOLE	

Water Servicing Coordinator

mgp
building & infrastructure services
pty ltd
pty ltd

Suite 203, 18 Aquatic Drive, Frenchs Forest NSW 2086
T: 02 9451 7555 F: 02 9451 8555 E: info@mgp.com.au

Drawing

SERVICE PROTECTION REPORT
18 CONDAMINE STREET
BALGOWLAH 2093

Drawn By VS Date 29/03/2023

Design By MG Scale 1:500

Approved MG Sheet 1 OF 1

Job.No. 2023-0158

Dwg.No. Issue

SPR1

1