

**Maxwell Duncan**

13th December 2019

Planning Assessment Team  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099

**RE: DA2019/1272 Submission**

Dear Mr Duncan,

As the owners of 3A Notting Lane, the proposal at 4 Notting Lane has the most impact on us directly. We also note that we were not formally notified of the proposal or the notification period, as confirmed during a telephone conversation with Council on 12/12/2019.

We hereby make our submission by way of objection for the following reasons:

1. **Side Boundary Setback** - the proposed works are right up against our boundary and fall within the 900mm side setback required by Council planning controls. The subject property is generously wide at 25m so it is unnecessary to place the inclinator in the most Northerly position which will most negatively impact us through loss of amenity, impact to privacy, noise disruption and increased risk of fire.
2. **Height** - the inclinator route is extremely elevated and extends up to the 3rd floor of the dwelling at a height of approximately 7m above natural ground level. The track and carriage sail well above any allowable fence line, as will the numerous track supporting pylons spaced at 4.5m apart.
3. **Privacy** - the proposed location provides direct visibility into our property, including the main living area, deck and studio.
4. **View Loss** - the proposed works would obstruct our view of the bay and waterfall towards the south.
5. **Noise** - the mechanical noise of the inclinator operation and the noise generated by the passengers utilising the inclinator will be directly next to our primary living room and external entertainment deck area. The route also ascends/descends past a studio and lower deck area.
6. **Waterway Setback** - recent DA applications at no.2 and no.3a Notting Lane have been predicated upon a specified waterfront setback consistent with existing neighbouring dwellings. Therefore an existing precedent has been set, and should be carefully considered with respect to environmental impact to the waterways and riparian lands.
7. **Section 68** - Cottage Point is an area without reticulated sewerage. The proposed pylons and footings will occur within the limited effluent disposal area on the site, creating

increased risk of effluent runoff directly into the waterways. The application makes no allowance for any guidelines covered under Section 68 of the Local Government Act.

8. **Fire** - the DA Fire Report shows that the subject site is situated in bushfire prone land and is given the maximum possible Fire Danger Index (FDI) of 100. It recommends that no easily combustible material should fall within the APZ, however the proponents have constructed a flammable timber fence along the northern boundary of the property, contrary to their DA submission for a metal fence, and measures over 3m high in parts.

Fire report recommendation 2 suggests the development needs to comply with the standard of any building within 10m. A council condition of our adjacent property was that it was built to BAL40 certification.

Fire report recommendation 6 is for a minimum 10,000L supplementary water supply for firefighting purposes, with suitable non-flammable tank and Storz connections. No such provisions are detailed in the application. The water tank shown in pictures appears to be Polyethylene and not metal or concrete as required.

The proposed location of the inclinator within the 900mm setback is not compliant with fire separation requirements. The nature of the inclinator being an electrically operated item further enhances this risk.

9. **Missing Details** - the levels on the survey are illegible from our downloadable version. The survey is dated 2013 and is inaccurate as it does not show our neighbouring property that was completed in 2016.

It is also unclear on the proposed base reference levels of station 2 and 3 as these details have not been provided. From the diagram the inclinator station landing platforms appear to be elevated above ground level too. The size and frequency of the proposed pylons have not been detailed. The drawings lack detail and impact cannot therefore be adequately assessed.

10. **Character** - the dramatically elevated inclinator is out of character in Cottage Point and will adversely impact the natural amenity of the area when viewed from the waterway.
11. **Earthworks** - the footings of the inclinator will most likely fall within the Tree protection zone of a large and significant tree on our property, a few meters north-east of the proposed works. No arborist reports have been provided to ensure the health of this tree.

It is our view that the proposal should be rejected. It contravenes the planning controls and impacts extremely negatively on our property and the local amenity of Cottage Point.

Thank you for your time in reviewing our concerns.

Sincerely,  
Emma and David Holmes