
Sent: 29/08/2021 3:23:12 PM
Subject: Online Submission

29/08/2021

MRS Mary Anthony
12 Surfers PDE
Freshwater NSW 2096
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RE: DA2021/1349 - 49 Soldiers Avenue FRESHWATER NSW 2096

i) We object to the architectural style, size and bulk of the proposed Development Application DA2021/1349 Lot B DP347968 49 Soldiers Avenue, Freshwater NSW 2096 that is not consistent with the general low density buildings of the neighbourhood and does not contribute in any form to the amenity of neighbours.

The height of the proposed roof is considerably higher than the adjoining properties of 10 and 12 Surfers Parade. The building has few architectural setbacks to reduce the visual impact of high walls and proposes a deck with large windows that affect our privacy considerably by directly looking into our courtyards, bedroom and living areas.

Under the provisions of the 'Statement of Environmental Effects' there are provisions under 'D8 Privacy' that the location of doors, windows and balconies are to avoid overlooking adjoining properties in preference to the use of screening, high sills or obscured glass.

The proposed North Elevation Plans for the window and POS arrangement have no regard to the direct sight lines overlooking our property and do not preserve our privacy.

There is a significant slope/cross-fall- east to west and the roof height should be no higher than 10 Surfers Parade and lower than 14 Surfers Parade because of this cross-fall.

We note in the 'Statement of Environmental Effects' by 'Balance Planning' that our property 12 Surfers Parade is described as having a detached garage at the rear and a swimming pool situated on the southern side of the dwelling.

This is not correct and brings into question the documentation from 'Balance Planning' in support of the application.

ii) The site is zoned R2 Low Density Residential with buildings having to meet low-density environment requirements. We object to the proposed size of the building and specifically the second floor North Elevation deck and balcony that includes large floor to ceiling windows W1.03 (Width 3840 Height 2450) looking directly without any screening into our courtyards, bedroom and living areas.

The 'Statement of Environmental Effects' supporting documentation from 'Balance Planning' states:

"All new windows are orientated towards the street or rear yard to mitigate potential for overlooking".

This is incorrect and this document fails to inform council that the North Elevation deck, balcony and large windows are orientated to look directly into our courtyards, bedroom and living areas.

iii) We object to the awning structure (B9 Rear Boundary Setback) that will contribute significantly to the building volume and will visually overwhelm our courtyards and living areas. We note that this awning is not of modest scale and volume and is not compliant to council regulation.

iv) We object to a section of our shared boundary fence being demolished and replaced with a pool fence for the proposed in ground swimming pool.

The Dividing Fences Act 1991-Section 11 clearly states that a shared boundary fence cannot be replaced without consent from both parties.

We are surprised that the proposed DA Additions and Alterations for the swimming pool do not include a 'Fencing Notification' under the 'NSW Fencing Act' that we agree to the works and demolishing of a portion of the shared boundary fence.

We object to around 1/3 of the existing good condition solid shared fence being demolished and replaced with a pool fence that due to its close proximity to our courtyard and living areas will have significant safety, privacy and noise impacts upon our property.

The replacement of a section of shared fence will also have a detrimental visual effect upon the present uniform look of the shared boundary fence.

We have no objection to a pool fence being installed and erected separate to the shared boundary fence within normal boundary setbacks.

Thank you for your consideration of our objections to the proposed Additions and Alterations to a dwelling house including swimming pool located at 49 Soldiers Avenue, Freshwater NSW 2096.

We look forward to your response addressing our concerns.

James and Mary Anthony
12 Surfers Parade
Freshwater NSW 2096