
Sent: 10/10/2022 5:52:20 PM
Subject: DA2022/1431

Keith and Kelly McAuley
10 Mavor Cr
Frenchs Forest
NSW, 2086

Maxwell Duncan
Principal Planner
Northern Beaches Council
725 Pittwater Rd
Dee Why, NSW 2099

Re. Demolition works and construction of seniors housing - DA2022/1431

Dear Maxwell Duncan,

Thank you for the opportunity to express our concerns regarding a recent development application for our rear neighbour at 633/635 Warringah Rd.

Firstly we would like to commend the applicant for a much more fit for purpose use of the land as a seniors housing development when compared to previous applications for the development of a multi-room boarding house. We acknowledge that the use of the property as a seniors housing development will have much less impact on neighbouring properties than the former application. It appears the rear of the building will be developed much closer to the rear boundary than the previous application or the current building, though we are happy (with the councils' consent) that will have negligible effect on us provided the accuracy of the shadow diagrams remains true, the second story remains setback a minimum of 6m from the boundary, and our below privacy concerns are addressed.

In the course of the previous boarding house application it was acknowledged that we as rear neighbours would have significant privacy impacts from the second story of any proposed development. This is due to a combination of the natural elevation of the proposed development in relation to our house, and also the layout of our house that sees all primary living areas (kitchen, dining, living and outdoor entertaining) exposed along the rear of our house through full length windows. To address this Commissioner Dixon in her findings (Rohani Investments Pty Ltd v Northern Beaches Council [2021] NSWLEC 1464) mandated amendments to the plans to maintain our visual privacy as follows;

To implement the agreement of the experts, the annexed conditions of consent include the following:

DA/2020/745 [633 Warringah Road]

"8. Amendments to the approved plans

The following amendments are to be made to the approved plans:

a) The balconies upon the eastern elevation off room 9, 10, 11 and 12 shall be deleted from the plans.

b) The sliding doors upon the eastern elevation servicing rooms 9, 10, 11 and 12 shall be deleted and replaced with an operable window having a minimum 1m sill height.

c) A fixed privacy screen shall be provided over the full coverage of the eastern window upon rooms 9, 10, 11 and 12. The privacy screen shall consist of vertical fixed louvres, angled at 45 degrees from the face of the building towards the north-east, projecting 500mm from the face of the building and to consist of timber or aluminium 'timber like' construction.

d) The three stair well windows on the northern elevation shall consist of obscure glazing.

e) The privacy screen to bedroom 8 shall consist of fixed horizontal louvres, angled at 45 from the face of the building directed upwards (preventing downward views), projecting 500mm from the face of the building and to consist of timber or aluminium 'timber like' construction.

f) The room schedule on drawings A:0001 C1, A:0002 C1, A:0003 C1 and A:0004 C1 shall be updated to correctly reflect the plan of management dated 17/08/2021 and the approved floor plans.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land."

DA/2020/744 [635 Warringah Road]

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d) The balcony off bedroom 4 shall have the full height privacy screen replicated on the southern edge of this balcony, in the same treatment as proposed for remaining balconies on the western façade.

e) The two stair well windows on the southern elevation shall consist of obscure glazing.

f) The ground floor plan to be updated to show the details of the screening to the waste storage area consistent with the screening shown on the southern elevation.

g) The privacy screen to bedroom 8 shall consist of fixed horizontal louvres, angled at 45 from the face of the building directed upwards (preventing downward views), projecting 500mm from

the face of the building and to consist of timber or aluminium 'timber like' construction.

h) The elevation which is marked 2 North Elevation on drawing A:1006 is in fact the Southern Elevation shall be corrected on the plans.

i) The room schedule on drawings A:0001 C1, A:0002 C1, A:0003 C1 and A:0004 C1 shall be updated to correctly reflect the plan of management dated 17/08/2021 and the approved floor plans. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

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I am satisfied that the amended development applications, with the preceding conditions, will not have an unreasonable adverse impact on the visual privacy of the adjoining neighbours.

We kindly ask that the same conditions be imposed (ie. A fixed privacy screen that consists of vertical fixed louvres, angled at 45 degrees from the face of the building towards the north-east, projecting 500mm from the face of the building and to consist of timber or aluminium 'timber like' construction.) on the rear second story window that directly overlooks our property. This will greatly alleviate our privacy concerns with the proposed development.

Thank you once again for considering our concerns,

Keith and Kelly McAuley

10/10/2022