

Re: MOD2019/0378 – 49 Lauderdale Avenue

From:

The owners, 45 Lauderdale Avenue. 5th February 2020

Thank you for the opportunity to address the panel.

Firstly, I would like to thank the panel and council for visiting the site today. My wife and I do appreciate that time out of what is no doubt a busy and long day.

We do have a brief analysis from our planner, Kimberly of Particular Planning and that is on page 2. It essentially deals to our major concern with the extension of the balcony by 2m and it's non compliance.

I'll open my comments by saying, firstly, that it's important to note that owners of 51 Lauderdale Avenue are also the owners of 49 Lauderdale Avenue. Hence there are no objections from that property to the west, however, you will have seen objections from the next property along to the west (#57) from all the units that are affected. There are also objections from residents to the South, East and North. Not all can be here today.

So, to recap:

- The original DA was submitted in August 2018 and had so many neighbour objections that it had to go to a panel.
- The panel made a determination on 03.10.18 and set various conditions
- A modification was submitted in August 19 that essentially seeks to override the conditions set by the 2018 determination (including a large suspended balcony and numerous oversized eastern windows).
- And again, unsurprisingly, multiple neighbours have protested.
- We again thank the panel for visiting the site today and gaining a context for the neighbours objections and context for the original panels determination and conditions.

Our specific concerns with this modification remain the same as the concerns with the original DA:

In summary:

Our specific concerns with the modification are:

- Further degradation of visual privacy due to larger balcony and multiple windows
- Further degradation of our splendid views to the south west due to larger balcony, as well as shadowing impacts
- Acoustic privacy due to large open balcony.

We request 1.6m screening on all windows that overlook to the east, with opaque fixed glass for those that look into our living and kitchen and bedroom areas.

We request the balcony brought back into compliance with the original panel determination.

We request the dilapidation report on our house to be on the council website for us to access.

A 3m fence has zero impact on our views and its impact on shadowing is negligible compared to the impact from the full two story building. We are ok to retain this.

Our more general concerns are:

- Non compliance with boundaries. Even in downtown Manly, developments have to have a 1m setback. We're not in Manly, we're in residential Fairlight
- Non compliance with height of balcony already mentioned
- Non compliance with windows we've already mentioned
- It's a small block with not much more than 200m usable land on which two dwellings are attempted to be squeezed. It's the wrong build for the block.
- Safety. The proposed two car driveway backs out onto the brow of a hill, and there is a bus stop there

Notes from our Town Planner.

From: Particular Planning < >
Date: 5 February 2020 at 06:32:38 AEDT
To: Al < >
Subject: Re: Thoughts

Hi Alison,

I'm well thank you.

The points to discuss:

- The application was recommended for approval subject to a condition reducing the decking due to the height non compliance despite the absence of a clause 4.6.
- The Panel did not request a clause 4.6 for the breach, it requested the proposal be redesigned instead.
- The proposal was redesigned in response and as a result a deferred commencement consent was issued.
- The consent was on the basis of the redesign. The consent was given on the basis that the proposal has been redesigned specifically to achieve height compliance.
- The modification seeks to provide the similar first floor decking resulting in the height breach. Due to its height and impact a privacy screen is necessary which results in further blocking of views.
- The proposal is seeking to take the benefit of the consent but not the burden and the element which is breaching the standard, results in privacy impacts and view loss. The element results in amenity impacts and was not supported by the panel originally.
- It is unclear how a proposal which breaches a development standard is assessed as a minor environmental impact under 4.55(1)(A).
- The circumstance in which consent was granted was on the basis on height compliance because of the impact upon your property.

Regards

Kimberley