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22/09/2022

MS Karina Merriman
171 Plateau RD
Bilgola Plateau NSW 2107
[REDACTED]

RE: DA2022/1360 - 169 Plateau Road BILGOLA PLATEAU NSW 2107

I am writing in relation to the proposed development for 169 Plateau Road, Bilgola Plateau (DA2022/1360; Lot 5 DP 38402) lodged by I J May.

I, along with my separated husband, are the owners of 171 Plateau Road, Bilgola Plateau, which is the southern neighbour to the proposed development site. We originally purchased this property in 2015 and for the last two years I have lived here with our child.

I am not opposed to any of the additions or alterations of the existing building.

I am opposed to the application in relation to the current design and location of the secondary dwelling and parking arrangements proposed for this site.

SECONDARY DWELLING

In its current form, the secondary dwelling will not be built with any regard to us as their southern neighbour and as such will negatively impact on our property and ability to enjoy our main living spaces, both indoor and outdoor, as well as our garden space. As a result the proposed secondary development does not positively contribute to the local area of 169 Plateau Road.

The proposed secondary dwelling, a weatherboard clad building with a COLOURBOND roof, is designed to be aligned with our existing building and is complementary to the surrounding area in style. However, the size of the building as a secondary dwelling is excessive when compared to our property and the surrounding area. This ensures a large impact on our property in terms of:

- Visual disruption from the current natural, established vegetation outlook with only dappled, fleeting views of our neighbour's buildings, particularly in our seated and standing eyelines, to a new, high impact building throughout this visual zone.
- Radical changes to the shadowing effects on our main living zones and northern side of our backyard, particularly in relation to morning sunshine which is a facet our building was designed to take advantage of many years prior to the proposal of this development.
- Inability to create a natural barrier between the new secondary dwelling and the boundary line on 169's property. This leaves the responsibility to recreate privacy, put in place noise abatement and reinstate the existing natural vegetation solely onto our property, when such

responsibilities could be easily shared between our two properties.

- Building along of the majority of our northern boundary by the secondary dwelling and the required stormwater mitigation system is out of nature with the surrounding properties in terms of natural versus built environments, the orientation of the structure and the impact of the built environments on neighbouring properties.

I acknowledge that with a floor space of 60m² the secondary dwelling complies with the legal requirements of our C4 Environmental Living Zone, however the roof size of the building is one-third larger than the floor space to incorporate an outdoor living area. This increase of roof size over floor space will have a significant impact on our property.

I acknowledge that the height of the secondary dwelling is within the maximum allowance of 5.5m, however the height of 4.84m is a significant impact on our property due to the gutter position being at our seated eyeline from both our inside and outside living areas, while the roof tip being at our standing eyeline from these same areas. When positioned on our boundary, these create significant visual impact for our property and propose a significant change from the current outlook we experience from our living areas.

I acknowledge the building wall setback of 1300mm from the southern boundary line complies with the legal requirements on this side of their property. However, the design to access the property from the southern side of the new building requires an access path that runs the entirety of the southern boundary, eliminating any possibility for 169 Plateau Road to contribute to providing a natural environment along our mutual boundary, as does currently exist. The nature of the locale is a residential area built amongst natural vegetation and as the current plan is without any substantial space between the walk way and the boundary, this cannot be re-created.

But by simply complying with the legal requirements are we creating a locale that is able to provide the reasonable level of family accommodation that I J May is looking to develop at the expense and impact on a neighbour's ability to enjoy the same benefits of accommodation in a building that is already existing?

As such, in response to Bull Planning's assessment report, I purport:

- The development will result in unreasonable environmental, social or economic impacts in the locality as the impacts on our main living areas, including my work environments as I work from home from these main living areas, and garden are significant.
- The aim of the State Environmental Planning Policy to protect the biodiversity values of trees and other vegetation in non-rural areas etc is not upheld as it is not just a single tree that is being removed, but the majority of the existing vegetation along the southern boundary.
- The secondary dwelling's proposed design and location does not achieves the C4 Environmental Living Zone objective of providing low-impact residential development nor enhance vegetation and wildlife corridors as it will radically alter our local environment by placing a substantial building along our boundary line which is inconsistent with our surrounding neighbours building orientations, plus the existing vegetation corridor cannot be recreated after construction as there is no space allowance.
- The assertion that the proposed landscaping seeks to integrate new native plantings with existing native trees and vegetation isn't accurate on the southern border as the vast majority of the existing vegetation will need to be removed to accommodate the proposed second dwelling and the desired boundary fence.
- The proposed development will result in unreasonable impacts upon views from surrounding properties as the north east aspect of our living areas will be completely altered with this development.

- A reasonable level of solar access will not be maintained to the neighbouring properties as we will be losing significant morning sunshine to our main indoor and outdoor living areas as a result of this development, which is a key feature of our property and something that enhances our ability to enjoy our property.
- Visual privacy between the living areas of 169 and 171 will not be maintained with the removal of the existing natural vegetation along the southern boundary to the west of the proposed second dwelling. The current vegetation allows both residents to only glimpse fragments of buildings and protects the privacy of both living areas. The conclusion that there will be adequate privacy and vegetation will protect both properties from direct overlooking is simply untrue.

In terms of the areas where the secondary dwelling does not comply with the Pittwater 21 Development Control Plan, I must object to the proposed development for the secondary dwelling since it does not comply with the following which has a substantial impact on our property and our ability to enjoy our home and garden.

Non-compliance issue 1 - Parking spaces

Discussed below.

Non-compliance issue 2 - Rear setback

The deck of the secondary dwelling does not comply with the required rear setback of 6.5m. Instead, the deck is 5m from the rear boundary.

This non-compliance results in the majority of our northern boundary being built out by either the second dwelling or the stormwater retention tanks. This is out of nature with our local area and places the burden of the impact of the secondary dwelling on our property in terms of abruptness, shadowing and intrusion of our privacy.

Having the deck area on the eastern side of the proposed second dwelling results in this living space being directly on our boundary line, right next to the mid-section of our backyard in an area that we utilise throughout the year for many purposes. As a young family outdoor space is essential to our ability to live well and enjoy our local environment. This aspect will result in a dramatic impact on our ability to enjoy this space while our use of our garden space will have significant impact on the occupiers of the secondary dwelling, influencing their ability to enjoy their deck area in peace and tranquility.

Non-compliance issue 3 - Building and colour materials

There is a requirement that the external colours and materials shall be dark and earthy tones, however the proposed colour palette and the indicative images included in the DA nominate, as Bull Planning notes, that the roofing and external wall finishes are to be mid-grey in tone. This does not comply with the Pittwater 21 Development Control Plan clause control.

The reference images included in the DA, along with the accompanying descriptions, only reference mid-grey. There are no product names for the COLOURBOND roof etc. and as such I cannot investigate the material choices in any substantial way. The use of finishes in line with the included reference images pose a significant impact in terms of glare, particularly in consideration to the roof which will impact our eyelines from our living areas and this will do little to help lessen the impact of the secondary development of the site for its neighbours.

Non-compliance issue 4 - Landscape area - environmentally sensitive land

The C4 zone control requires 60% of the site area to be pervious. This is only able to be met with the inclusion of variations, which based on the DA information utilises the blue zones of the current landscaping to achieve this control requirement. However, I note that there is an area at the front of the property at 169 that is deemed to be a concrete area. This is untrue as this area is currently part of the front set back vegetation and as such it should not be included in the variation allowance as it doesn't accurately reflect the current environment.

In addition, Bull Planning notes that the variation allows for impervious areas less than 1m wide to be included in the landscaped area total if they are used for outdoor recreation purposes, up to 6% of the total site area. This variation includes the boardwalk entrance into the secondary dwelling which is essential to provide safe access to the secondary dwelling. It is not for the purpose of outdoor recreational space and as such should not be included in the variation allowance.

In relation to Clause A4.3 Bilgola Locality, I do not agree with Bull Planning's statement that Landscape Plan in the DA "demonstrates that the resultant development is integrated with existing and proposed native landscaping, to soften the impact of the development". To enable the secondary dwelling and the installation of a boundary fence, the existing native vegetation along the southern boundary will need to be removed and without an allowance on the northern side of the boundary between the fence and the secondary dwelling there is no possibility of reinstating vegetation. This results in the building not being able to be softened by landscaping nor is there any attempt to break down the scale of the development along our boundary line, rather the development will have brutish impact when compared to the current, long established, soft visual boundary between the two backyards.

In relation to Clause C1.5 Visual Privacy, I disagree that a 1.7m high privacy screen on the southern end of the deck area of the secondary dwelling is alone enough to protect the privacy of the occupants of the dwelling nor our rear garden, particularly in light of this end of the building being elevated off the ground by 1m which is hardly low profile when considering the current environment for our properties. I acknowledge that an effort is being made to provide some privacy, however with the location of the secondary dwelling on top of our backyard this an inadequate solution - noise will easily travel, people can and will be seen both ways through the slates - plus the depth of this deck into the rear setback ensures that there is no area of our backyard that won't be visible to the occupants of this dwelling, which is a significant incursion into our ability to enjoy our garden with privacy.

In relation to Clause D3.7 Side and rear building lines, as outlined in the above paragraph, by the secondary dwelling position not complying with the rear setback, there is no area along our northern property boundary where we will be able to enjoy our garden space without being substantially visually impacted by the new dwelling nor directly overlooked and overheard by the deck area as it is currently proposed with regard to design and position.

I acknowledge that the DA doesn't include windows along the south side of the building in an effort to provide privacy to both the occupants and our neighbouring block, however this effort is made ineffective by the entrance door and access pathway to the building being located on the southern boundary. Without any vegetation separating these built aspects from the boundary fence, even with the setback compliance on this boundary, it will be our property that sees and hears occupants and visitors as they enter and leave the dwelling, plus our property will bare the impact of the lighting that will be required to ensure safe passage to and from the

new dwelling.

In conclusion, the current proposed development for the secondary dwelling would have a significant impact on our property, the Bilgola locale and the surrounding environment and is not in the nature of the existing surrounding developments in terms of its location on the site, nor does it allow for the preservation or enhancement of the bushland character of the area, and as such I must oppose its construction in its current form.

In terms of other considerations relating to the proposed secondary dwelling:

- Removal of 1 x tree to enable the secondary dwelling it is noted a replacement tree should be installed on the site however there is no reference to its position or type. This needs to be clarified for our consideration of the development.
- The angle of the access path, building and wrap around decking area are tipped towards the south east corner with the space between the path reducing from 300mm on the western point of the path to 200mm on the eastern point of the deck. This is undesirable as the proposed structure will become even closer to the boundary line as it moves towards the rear fence, further encroaching on our northern boundary line.
- The access path to the secondary dwelling is elevated and made of wood which will produce noise and echo off the ground below along our northern boundary which runs alongside our main bedroom and living areas which feature windows along the length of our building.
- Both the access point and the secondary dwelling are constructed of wood, as is the proposed boundary fence, and without more space they pose a fire risk to our property, another weatherboard structure. This appears to be unmitigated risk.
- The DA does not include a lighting plan and so I am unable to understand the impact of the lighting on our property, our main bedroom or our main indoor and outdoor living areas.
- The requirement to sit the eastern side of the secondary dwelling on piles is well considered to protect the root structure of the established trees on our property, however the design to have the deck area sitting 1m off the ground feels excessive to this requirement. This excessive height contributes the imposition of the built structure on our property and increases the shadow impact on our living areas and garden.
- The shadow impact of the new structure is significant on our main indoor and outdoor living areas across the morning period which is our prime time to enjoy sunshine in the winter months in these areas. Our house has been constructed to benefit from this solar aspect and the new dwelling is removing this from our experience, impacting our ability to enjoy these spaces as we have since purchasing the property.
- The shadow impact of the new structure significantly impacts on the northern edge of our garden throughout the day. This is the area where three significant trees, native to the Duffy's Forrest, are located and the removal of their access to sunlight through the colder, traditionally wetter months, will impact on the grounds ability to remain dry which runs the risk of creating a wetter soil structure risking the integrity of these tree's stability.
- The two skylights proposed for the new structure sit on the southern side of the building roof which will provide light pollution at night whenever the hall lights are turned on. This area of the garden and local vicinity is free of any light sources currently and such an addition will result in light pollution right next to our main outdoor living space.
- The proposed dwellings bathroom location is on the western corner, the closest point to our internal and external living areas. The plans do not show the location of the bathroom air vent and as such I can not understand the impact of such a vent would have on our living spaces as we will be able to smell the extracted air.
- At this point we don't have any fence specifications, however verbally it has been expressed that the style of fence would echo what has recently been installed along the northern and eastern boundaries of 169 Plateau Road, however I have been informed that this style of fence does not comply with the requirement of Northern Beaches council to allow animal movement

between properties by having a slated base along any new fence. Without a quote or design for the fence I am unable to agree to this aspect of the project at this point.

PARKING

I am also opposed to the non-compliance of the required parking for the development of 169 Plateau Road.

Such developments require 3 spaces - 2 for the dwelling house and 1 for the secondary dwelling. The proposal is short a car space and as such places undue pressure on street parking in an already congested area.

169 Plateau Road is within the school zone for Bilgola Plateau Public School, as is our property. This area of Plateau Road, from 167 to past the pedestrian crossing at the school entrance offers parking on one side of the street only (varying from the east side to west side of the road) and outside of 40km zone time periods is lucky to have a single spare car space.

During school hours this area of Plateau Road is under immense pressure. Daily we have cars illegally stopping in No Stopping zones, across driveways and undertaking risky three point turns across double lines and near blind corners. This has been discussed in recent years by the local residents, Bilgola Plateau Public School community and Northern Beaches Council in relation to establishing a Kiss and Ride zone outside 169 and 171 Plateau Road, which was rejected due to the traffic concerns raised.

It is simply untrue that there is ample on-street parking to accommodate additional resident cars that result from the non-compliance of this proposed development, and consequently I do not support this aspect of the DA application. It is a gross underestimate for what will be a 6 bedroom dwelling and this non-compliance will have significant impact on the surrounding street.

In addition, the proposed carport juts out into the front area setback and is also built above the maximum building height fall away requirements on the southern side of the property. These incursions are minor and in light of the restrictions of the site, I can live with these incursions and the impact that they will on the Bilgola locale and my property, however it must be noted that vegetation will have to be maintained and/or re-established to allow this part of the additional construction to rest comfortably into the landscape and such a condition should be placed on this element of the development.

Other considerations in relation to the addition of the carport:

- I am unable to understand the construction of the carport and I am concerned that there is no wall on the southern side of the structure which would result in the car lights impacting our main bedroom area when entering or exiting the structure which would be disruptive to our sleep environment.
- There is also no lighting plans relating to the carport or the walk way from this structure. Without this information I am unable to understand the impact this lighting would have on our main bedroom.

In conclusion, I can not support the DA's inclusion of only two car spaces. I can support the carport with conditions.

CONCESSIONS

I would like to acknowledge that there have been discussions between myself and Ian May, along with his wife Bessie, this week in relation to the DA and he has proposed some amendments to the secondary dwelling and its entrance way in an effort to appease the concerns outlined above. They are:

- To maintain the existing vegetation area outside of our living area and to the west of the proposed secondary dwelling to ensure that the current level of privacy between the living areas of the two properties remains.
- To move the western side of the entrance path off the boundary line and to redirect it from the carport towards the south eastern corner of the existing dwelling before it heads east to join up with the boardwalk on the western side of the proposed secondary dwelling, establishing a 1m wide garden bed where new / replacement native vegetation can be integrated into the landscaping plan.
- To remove the boardwalk past the entry way that wraps around to the deck areas on the eastern side and establish 1m wide garden bed from this point along the boundary line to the eastern corner.

In addition to these concessions I believe it is necessary that we propose any plantings along our mutual boundary must be limited to 2.5m in height to ensure that they are able to provide the necessary privacy and noise abatement but not impact on our property's access to sunshine, particularly during the winter months.

These ideas are definitely an improvement on the submitted DA, however they do not resolve the imposition of the secondary dwelling on our northern boundary nor does it resolve the impact of the new dwelling's entrance on our property, the imposition of the new dwelling on our eyeline or the impact of such a building on our main living areas and garden space. The burden of impact from the secondary dwelling will still rest on a neighbouring property, being ours.

CONCLUSION

As such:

- I can NOT support the DA's proposal for a secondary dwelling in its submitted form, nor in the form of the concessions offered to date verbally.
- I can NOT support the DA's non-compliance with the regards to the number of parking spaces on the property.
- I CAN support the carport with conditions placed on the surrounding vegetation.

I welcome further discussions and a site visit from Northern Beaches Council to my property to explore my concerns and what opportunities are available to allow Ian and Bessie May to develop their site without asking my property to bare the impact of the development.

Kind regards, Karina Merriman
171 Platea Road, Bilgola Plateau NSW 2107