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Subject: Online Submission

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MR Geoffrey Andrews
2 / 15 McDonald ST
Freshwater NSW 2096
andrews_geoff@yahoo.com.au

RE: REV2019/0028 - 12 K McDonald Street FRESHWATER NSW 2096

Northern Beaches Council
Attention: Nick England

RE: Proposed Development - Review REV2019/0028

While we respect the spirit of compromise in which REV2019/0028 has been submitted and agree to the removal of condenser units on Townhouses 1-6, we object to the other units and ventilation stack remaining on the rooftop of the development at 184 Wyndora Ave.

The proposal to remove six and turn the remaining units does not present adequate remediation of amenity for the surrounding residents, nor uphold best practice design principles to which Council planning aspires. All rooftop units negatively impact the amenity of overlooking and neighbouring properties and compromise the overall design integrity of the development.

A few important points should be noted in consideration of this matter:

1. Council approved the original DA that included architect plans showing a flat roofline. Plans for condenser units and ventilation structures were not disclosed or available for public review / comment.
2. Over half of the roof top structures (air conditioning condenser units and ventilation stack) exceed the maximum height allowed by the planning consent.
3. During construction, it became apparent that the addition of these condenser units was outside of the approved DA and building envelope.
4. A Modification Request was only subsequently submitted after multiple neighbours' complaints about the attendant loss of amenity.
5. This Modification Request has been refused and that decision should rightly be upheld.
6. There are multiple options available to rehome the rooftop structures including the basement option suggested by the Northern Beaches Local Planning Panel (with further amendment to the ventilation system as detailed by BSE's consulting advice) and the Developer's own solution to reinstall the units on the back balconies of the apartments (plans already exist for this and have been submitted to Council).
7. The rationale presented by the developer concerning a section line and street elevation

demonstrating different breaches of their building envelope is specious. The fact remains they have breached their height restriction and this needs to be remediated in a uniform way. See point 8 and further.

8. Sound design principles indicate the preservation of a geometrically contiguous roof line; replacement of some but not all units will deviate from this. Further, approval of structures that exceed height limits sets a dangerous precedent for other development across the Local Government Area.

9. An inspection of the local area will quickly give evidence to the fact that extremely few, if any, residential buildings have installed roof-mounted air conditioning units; this includes the many modern multi-dwelling unit and townhouse developments around Freshwater, Queenscliff and Curl Curl. The vast majority of these developments locate their condenser units in under-building carparking spaces, or similar effective and elegant concealments.

10. Despite the multiple enthusiastic submissions of support for the Review, from owners within the non-compliant development itself, other important considerations of equity apply to this matter. Air conditioning exists only for the benefit of the residents, owners, and/or the developer via the valuation of the properties at sale. Any cost to, or reduction of amenity to achieve a compliant and environmentally sympathetic outcome should be borne by the beneficiaries of the installation; i.e. the owners and developers of the property, and not by other neighbours, who also have the right to observe and overlook a building that upholds design integrity and the principles of the LEP.

This entire process is now several rounds old. We eagerly look forward to a more elegant, sympathetic, final and implemented design proposal in a reasonable timeframe that includes the removal of all rooftop air conditioner units and ventilation stack.

Regards.