
Sent: 1/09/2019 8:10:48 PM
Subject: Submission re: MOD2019/0378 - DA2018/0880 - 49 Lauderdale Avenue,
Fairlight
Attachments: Mod2019-0378 - DA2018-0880 - Wright 45 Lauderdale Avenue.pdf;

Dear Mr Prosser,
Please find attached our submission relating to the above proposed modification, MOD2019/0378 -
DA2018/0880.
Yours sincerely,
David & Alison Wright

To: Northern Beaches Council

Attn: Mr Thomas Prosser, Planner

PO Box 82, Manly, NSW 1655

(By email)

From: David & Alison Wright

45 Lauderdale Avenue, Fairlight NSW 2095

31 August 2019

Dear Mr Prosser,

Re: MOD2019/0378 - DA2018/0880 – 49 Lauderdale Avenue, Fairlight

We note the contents of the application seeking modifications to the DA2018/0880 as approved in October 2018. From our assessment, these modifications reverse many of the conditions that were put in place on the application last year when a full determination was held. We have taken professional advice on this which confirms our assessment. This advice will be detailed in a separate submission containing details of the relevant clauses, conditions and lack of compliance thereto.

Our concerns:

Balconies

- The design has already been rejected for non-compliance but this modification is coming back with exactly the same issues.
- The top balcony exceeds the 8.5m height control by nearly 3m (10.9m to 11.4m high).
- Both balconies directly overlook our pool from above thus issues with privacy for us and others. The privacy screens do not address this. See picture 1.
- There will be issues with acoustic privacy as larger balconies overhanging the garden at a height of over 10m have the potential to create a lot of noise in the densely populated neighbourhood.
- Concerns over the ability of the retaining wall to hold the build, now the fig tree has been removed – the Geotech report was done on the basis of the approved DA, not with the proposed amendments. See pictures 2 and 3.
- Further erosion of our harbour views to the south west and west. The site plan showing number 45 views to SE and S is deceptive and misleading. In fact #45 has extensive sunlight and views to the West as shown in picture 4.

Requests:

- Abiding by approved development standards, the Northern Beaches Guidelines relating to balconies in new developments and the determination conditions from 2018;
- Take neighbours privacy into account (both acoustic and visual);
- Providing shadow diagrams for all times of year, not just winter, showing impacts on surrounding properties and including our pool and garden;
- Providing a Geotech report on the health of the retaining wall now that the large fig tree has been cut down
- Provide us with a copy of the dilapidation report. We provided access to our property for this purpose several months ago and as yet we have received no copy.

Privacy screens and proposed fence to the east

- We note the windows are already non-compliant due to proximity to the boundary. There is massive impact on visual and acoustic privacy to our rear patio area, living area, kitchen area, study area and front patio area. The conditions imposed (vertical louvres) are being ignored in this modification.
- We also note the inequitable design with over double the amount (six more) windows overlooking our property to the east than overlook the owners property (no 51) to the west.
- We also note that the RL of the ground floor of our property is 30.46. The RL of the proposed development is 31.8 as for some reason it is being built on stilts. This appears to be the reason for a massively oversized fence. A better, more appropriate and considerate design would be to build the property on the same level, or lower, as the rest of the properties. Views would be maintained as would neighbours privacy.

Requests:

- At a minimum we request a return to the conditions imposed by the Determination Panel. Vertical fixed louvres (not screens) are required for **all** east facing windows to preserve privacy of our rear patio area, living area, kitchen area, study area and front patio area.
- The fact a 3m fence is even being proposed is indicative of the overdeveloped nature and inconsiderate and non-compliant design. We do recommend that the whole design of this oversized development be reassessed

Secondary dwelling

- The dwelling appears to be like a bunker but the plans are unclear. We are very concerned that there is no setback at all from our boundary, even though it is a dwelling, with a carport on top. In addition, it is a dwelling being built right to the public pavement of Lauderdale Avenue.

Requests:

- We don't think it is acceptable that a dwelling can be built right to our boundary, or to the pavement. We also request a traffic assessment for vehicles exiting from the driveway directly onto a bus stop and onto the brow of a hill. This is a big safety issue.

In summary

The proposed development continues to ignore considerations of privacy, both visual and acoustic, impacting multiple neighbouring properties. Seeking to overturn the decisions of a determination panel that specifically mentioned these issues is indicative of this.

The clear lack of compliance with multiple standards and guidelines is a serious concern, details of which are in our professional report. NBC has many guidelines and standards and they are not being applied. 49 and 51 are owned by the same people and we will end up with an overall development consisting of at least 4 dwellings with 5 kitchens across the two blocks (total area less than 1,100m²) without any consideration of the overall impacts on Council standards and guidelines.

The balcony is too big, too high, overlooks everyone in the vicinity and will be noisy.

The size, location and quantity of windows on the east side are excessive and have a big privacy impact on #45

The secondary dwelling should not be built to the boundary on the east side, nor should it be built right to the boundary of the public pavement.

A traffic impact report should be provided.

A dilapidation report should be provided to #45.

The final finish of Fibro is not acceptable / unfinished concrete for visual aesthetics or acoustics

Finally, we would recommend a council review of the excessive development across 49 and 51 should be commissioned.

Yours Sincerely,

David & Alison Wright,

45 Lauderdale Avenue

0418 244 006 or 0438408834

Picture 1 – impact on pool privacy, looking north west and up to proposed new development extending out from retaining wall



Picture 2 – retaining wall – looking to south from 45, again showing bulging and ground level of 45



Picture 3 - retaining wall – looking to west from 45 – showing bulging and also where ground level of 45 is



Picture 4 – views from 45 to the west, also showing solar access

