
Sent: 16/07/2019 9:28:49 PM
Subject: Land and Environment Court Consent 203/2013- Modification Consent Mod 2018/0482-3 Ogilvy Rd Clontarf
Attachments: Objection Letter 16 July 2019 -No 3 Ogivy Rd.pdf;

Dear Maxwell,

Please find attached our letter of objection to the proposed development at No 3 Ogilvy Rd, Clontarf.
We request the Council to impose on this Application, exactly the same Conditions imposed on the Modification Consent Mod 2018/0482, Section 455 [AA] of Court Consent, approved by NBLPP on 6 March 2019

Kind Regards,

Peter & Darine Groch

The General Manager

Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Peter & Darine Groch

5 Ogilvy Rd
Clontarf
NSW 2093

16 July 2019

Modification of Land and Environment Court Consent 203/2013

Alterations and additions to an existing dwelling

3 Ogilvy Road CLONTARF NSW 2093

4.55 Modification of Consent

Dear Sir,

We refer to the above reference application lodged by the occupants of No 3 Ogilvy Rd, Clontarf.

We request the Council to impose on this Application, exactly the same Conditions imposed on the Modification Consent Mod 2018/0482, Section 455 [AA] of Court Consent, approved by NBLPP on 6 March 2019.

We ask Council to fully support NBLPP's decision made on 6 March 2019 with regards to this current application.

This application is a return to previous submissions by the Applicant and former owners of No 3, and a further attempt by the current Applicant to overrule the considered judgement of the highly credentialled NBLPP in their decision of 6 March 2019.

This application is an attempt at 'acquisition by stealth.' It aims to overturn decisions by LEC and NBLPP, which have been a culmination of considerable effort since 2013.

Upper Deck

The Boston Blyth Fleming submission has taken liberties with NBLPP's '31C Deck Amendments' and extended the deck projection a further 700mm beyond the NBLPP conditioned maximum 3m projection. **BBF used the southern end of the LEC deck as their setout point to extend the upper deck by 3m, not the southern elevation wall which aligns with the end of the approved dining room wall extension.** The southern elevation wall (by scaling in the absence of figured dimensions) is 1.2m from grid line A. This projects the deck beyond our lounge room building line at No 5 Ogilvy Rd. An extract from 31C is detailed below:

(a) The proposed ground floor deck is to be amended so as to be setback from the eastern side boundary by 2.5m and to extend no further than 3.0m beyond the southern elevation wall towards the rear boundary.

A copy of the approved southern elevation wall detail is shown in Fig 1:

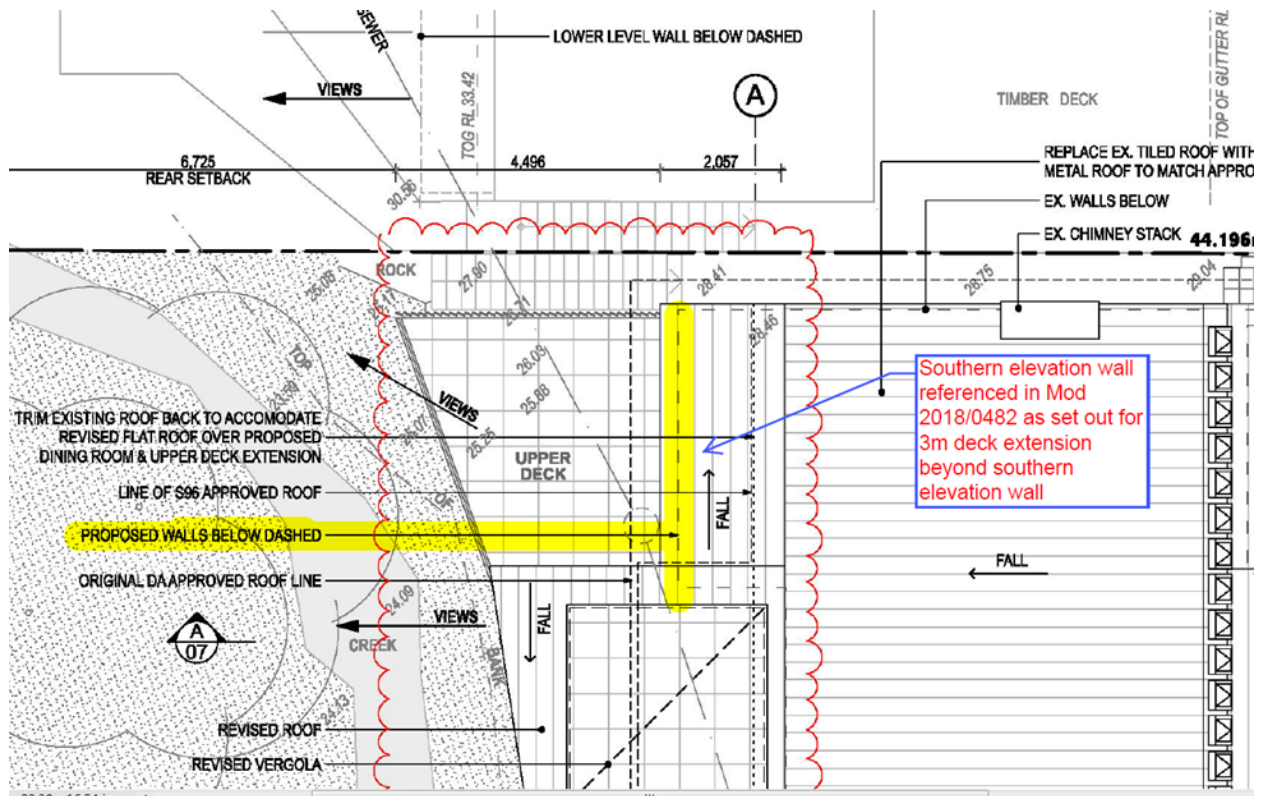


Fig 1: Dwg 01G stamped by Council, to be read in conjunction with NBLPP approval of 26 Mar 19 – drawing applicable to the NBLPP 2018/0482 decision

[illegible]

The current application deviates on a number of significant points to that approved by the NBLPP:

- The upper deck in front of the dining room has been extended to the 8m rear setback, providing a deck width in excess of the 3m approved by the NBLPP. The proposed deck based on scaled dimensions protrudes up to 0.7m beyond the limit set by the NBLPP.
- This non-compliant southern face projection of the proposed upper deck results in the deck aligning with the gutter on our property at No 5 Ogilvy Rd, and not behind the wall alignment (line of upper level lounge wall), Figs 4 & 5.
- This allows the occupants from No 3 to look directly into our lounge, dining and deck area from the upper deck, which was previously mitigated by the approved NBLPP conditions
- The proposed non-compliant lower deck results in the deck aligning across the mid-point with the eastern window in the rumpus room on our property at No 5 Ogilvy Rd, and not behind the wall alignment, Figs 7 & 8.
- The eastern side setback of 2.5m has been removed.
- Additional deck space has been created by joining the approved deck and creating an infill (in plan)

An extract from the Applicant's Statement of Environmental Effects in Fig 3 below, acknowledges the correct south western (Point A) and south eastern (Point B) extents of the approved decks.

The Applicant has shown this in green and formed a trapezoidal deck (in part).

The south western corner of the Applicant's green deck sits correctly behind our lounge room building line at No 5 Ogilvy, as approved and shown in Fig 2 above.

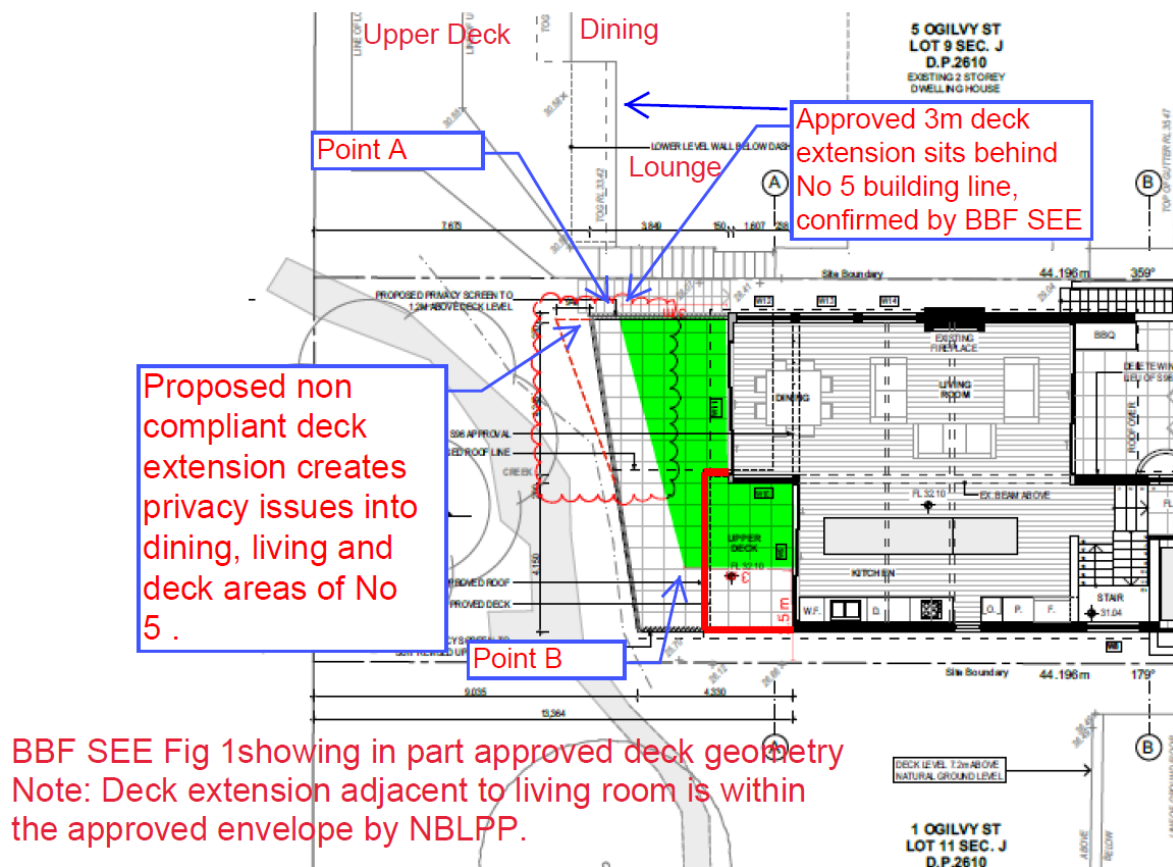


Fig 3: BBF SW projection of No 3 Ogilvy Rd upper deck on SEE sits behind No 5 Ogilvy Rd building line

The decision by the Applicant to challenge the NBLPP approval undoes the consideration of the NBLPP and creates significant privacy issues for No 5.

The effect of the compliant and non-compliant deck extensions at No 3 Ogilvy Road on No 5 are shown on figures 4,5,7 & 8. We reiterate that Council impose on this Application, exactly the same Conditions imposed on the Modification Consent Mod 2018/0482



*Fig 4: Effect of privacy in dining room due **non-compliant upper deck extension** proposed by Applicant at No 3 Ogilvy*



*Fig 5: No effect on privacy in No 5 Ogilvy Rd dining room due to **compliant NBLPP** upper deck at No 3 Ogilvy Rd*

Lower Deck

Our interpretation about the lower deck differs from Boston Blyth Fleming's submission. The NBLPP's requirement in item (c) is as follows:

(c) The proposed lower ground floor deck is to be amended to align with the same side and rear boundary setbacks as the proposed ground floor deck as amended by (a).

Thus, the lower ground floor's deck southern projection should extend no further than 3m beyond the southern elevation wall towards the rear boundary. In this instance, as there is no approved dining room wall at this lower ground floor elevation, the southern elevation wall is the existing building line which is used as a reference to set out the lower ground floor deck. Details are shown in Fig 6.

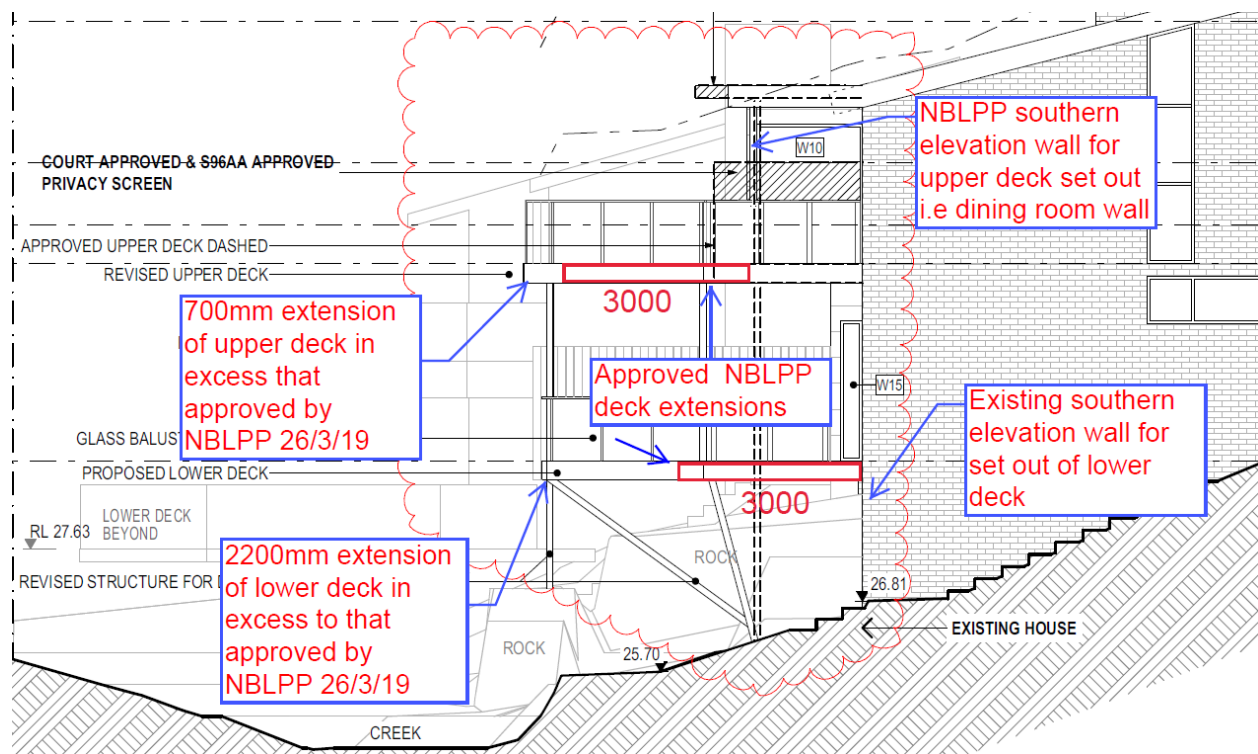


Fig 6: Lower deck extensions interpretation of NBLPP decision of 26 Mar 2109

BBF's interpretation results in the proposed lower deck projecting 2200mm further than approved by the NBLPP decision of the 26 March 19. BBF's interpretation does not align with NBLPP's requirement of maintaining a fauna access in the riparian zone.



*Fig 7: Visual bulk created by **non-compliant** lower deck extension at No3 Ogilvy*



*Fig 8: No effect on bulk due to **compliant** lower deck extension at No 3 Ogilvy*

Privacy Screens

With regards to drawings, the privacy screens require clarification. Currently on the stamped Council drawings, the visual screens on the lower ground floor deck are 1.8m high on the western side of the lower and upper ground floor balconies. The un-dimensioned height of the upper deck western side does not scale at 1.8m. **We ask that this requirement for the upper deck western visual privacy screens be dimensioned to 1.8m.** Details are shown on Fig 9.

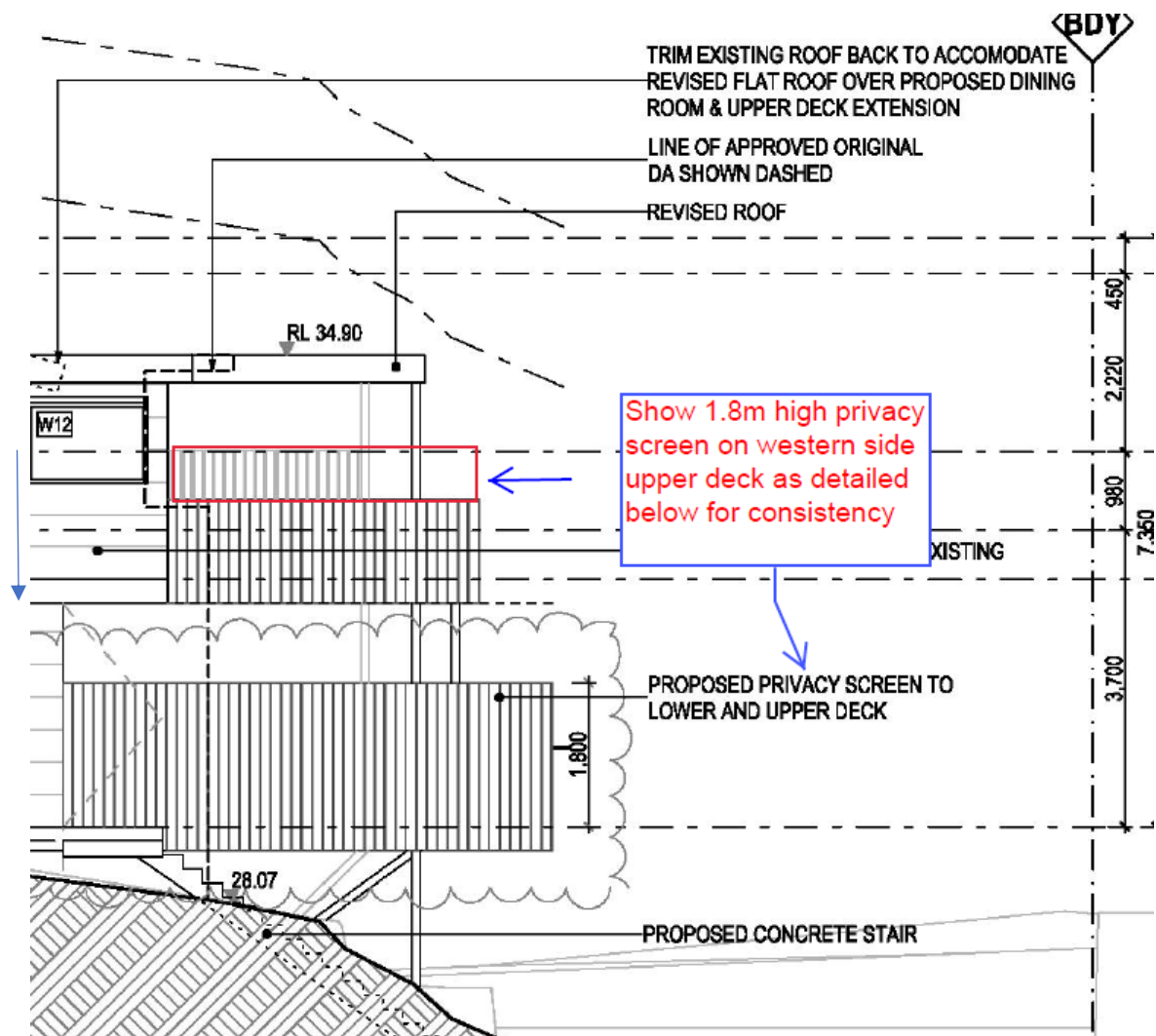


Fig 9: 1.8m privacy screens on western side of upper and lower decks

We ask for Council to specify **non-louvred obscured glass privacy screens** for each deck facing west. Louvred screens enable splaying and direct visibility of us, negating their effectiveness as privacy screens.

The current non-compliant submission submitted by No 3 Ogilvy Rd increases the visual bulk and heightens our privacy concern. This loss of amenity is unacceptable.

Riparian Zone

Our riparian zone is a cherished, unique ecological feature in a suburban area and should be protected.

The Natural Environment Referral Response – Riparian correctly recommended a refusal due to negative impacts on this delicate area. We support this refusal.

The Natural Environment Referral Response – Coastal correctly recommended a refusal due to negative impacts on this delicate area. We support this refusal.

The protected Eastern Water Dragon, Red Crowned Toadlet, Common Eastern Toadlet, Eastern Blue Tongue, Southern Gecko and Skink are located in this zone. Further encroachment could potentially harm this local environment.

Mammals such as wallabies, bandicoots and possums frequent this area. Encroaching further could impact their continued presence here.

We request Council to impose on this Application, exactly the same Conditions imposed on the Modification Consent Mod 2018/0482, Section 455 [AA] of Court Consent, approved by NBLPP on 6 March 2019.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Peter & Darine Groch', written in a cursive, flowing style.

Peter & Darine Groch
5 Ogilvy Rd, Clontarf.