

43 MARINE PARADE AVALON BEACH NSW 2107

17th January 2019

The General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Attention Ms Rebecca Englund

Dear Sirs,

DA No: N0279/16/R 41 Marine Parade Avalon Beach
Section 4.55 Application

This is an objection to this application. I am the owner of the adjoining property 43 Marine Parade and my house looks directly at No. 41. I list my objections below.

Huge loss of privacy

The application seeks to add two very large almost floor to ceiling windows (already constructed but not dimensioned on the plans) instead of a slit window high up on the wall of a bathroom and WC. These new windows look directly into our living areas and two bedrooms. I cannot understand why No. 41 is so keen to look into our house nor why they want us to look into their dressing room and bathroom (the internal plan has been altered). You will see this when you visit our house to inspect the site. As they cause total loss of privacy for us, Council should not approve these large vertical windows or at least ensure they are opaque. Our house is even closer to No. 41 than are Nos. 37 and 39 and the Independent Panel conditioned a blade to be installed to the Dining window in order to protect their privacy.

Increased bulk and height

I object to the proposal for increased bulk of No. 41 caused by raising the floor levels by a total of 0.45 metres and by changing the roof line so that the building bulk is increased. The large bulk can be seen not just by us but by all the people on the beach. We look directly at a huge grim grey bulk. The addition of new openable skylights may exceed the permitted roof height as we can see the skylights sticking up above the roof. Council would not have been able to scan height measurements which include these skylights so they should not be approved without confirming compliance with the new height including the openable roof windows. You will see the increased bulk and height when you inspect the site.

Building envelope

The increased roof height on the north-west corner has increased the non-compliance of the building envelope to a total of 1.45 metres so that we lose even more sea view. Please refer to Condition 2 of the Deferred Commencement Consent dated 6 June 2017.

Removal of planting

The outlook from our house towards No. 41 will be of very hard surfaces of cold grey brick and paving with absolutely no new planting. When we first received the DA I objected to the cold hard look and lack of planting and then Council Consent approved planting near the driveway. This new application seeks to remove this planting so it should not be permitted.

BASIX

The seven new skylights are not modelled in the new BASIX report (certificate no. 003485158 dated 16 December 2018) as it clearly states its programme BERS Pro v4.3.0.0 cannot model openable roof windows. As the seven new skylights in the application are openable and therefore not skylights but instead are openable roof windows, the BASIX report included in the Section 4.55 application is not valid and cannot be included in the application. I quote from their report

“BERS Pro v4.3.0.0 (3.13) cannot be used to model ‘roof windows’. Roof windows are openable and do not have a shaft, as distinct from skylights which incorporate a built-in shaft and are not ventilated. BERS Pro v4.3 can only model skylights. If a roof window is present on the floor plan then this certificate is not valid.”

The roof windows which are already installed should not be approved as their heat measurements are not included in the BASIX report. Therefore clearly the BASIX report is invalid and should not be accepted.

Work carried out which not included in the Section 4.55 application

- **Increased floor area** A comparison of the new and previous BASIX reports shows that the nett floor area of the house has increased from 447sq.m (Deferred Commencement Consent) to 459 sq.m (for Section 4.55 Application) i.e. an increase of 12 sq.m – a very large amount. This increase has not been approved in any previous application nor is it included in the Section 4.55 application and so should not be permitted.
- **Large floater rock disturbed** The Section 4.55 application does not include an application to cut through a large floater rock on the western (cliff) side of the house so that a pipe could be installed. This has already been done and is in direct contravention of the consent especially as Council has received a geotechnical report that the floaters could fall if disturbed. The cliff edge is extremely fragile and Council should ensure No. 41's building work complies with the consent and is not endangering the lives of people walking below.

I am very upset about this new application and ask that Council will consider my objections. I also ask that the Council officers and the Independent Panel come to our house to see how the proposals in the Section 4.55 Application affect us. I imagine that the applicants have gone ahead with construction which is not in accordance with the approved plans as they knew the neighbours would object to most of the new proposals. They seem to have proceeded in the hope that Council will pass these new proposals because they are already built. I trust Council will not have this attitude.

My architect (and husband) will also lodge an objection on my behalf.

Yours faithfully,

Susan Hesse