Sent:	14/04/2019 2:20:43 PM
Subject:	Mod2018/0654 N0279/16/R Objection
Attachments:	MOD DA279 41 Marine Pde SH 14 Apr 2019.docx;

Sirs,
Please find attached my objection to this new application.
Regards,
Susan Hesse

43 MARINE PARADE AVALON BEACH NSW 2107

14th April 2019

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

Attention Ms Rebecca Englund

Dear Sirs,

MOD 2018/0654 DA No: N0279/16/R 41 Marine Parade Avalon Beach

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

The new application drawings show changes to the approved Development Application. These changes have already been constructed in total disregard of the approved plans. They include

- Increased height caused by increased floor levels of 0.45m plus roof windows sticking up above the roof level
- Increased bulk caused by changing the roofline and by the increased floor height
- Floor area increased by 12 sq.m
- Changes to the roof shape
- Changes to the sizes and shapes of windows
- Addition of two large new windows pointing into our house and causing huge loss of privacy for us
- Increased non-compliance of the building envelope by 1.45 m at the north-west corner which causes us further view loss
- Removal of planting between Nos. 41 and 43 so the huge new house is not screened from us at all
- Installation of 7 new openable roof windows which stick up above the roof and make the BASIX report invalid. I quote from their BASIX 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." I have seen roof windows open so they are not skylights.
- The privacy blade ruled by the Independent Assessment Panel to give privacy to Nos. 37 and 39 does not adjoin the window as required by Deferred Commencement Condition No. 3 and is deliberately hidden on the western elevation drawing.

Despite all these non-compliances which are so detrimental to us, I am only making one request to Council – that either Council does not approve the two new large windows which cause us such huge loss of privacy or that Council rules that the glass is frosted.

These two new almost floor to ceiling vertical windows are in rooms identified on the drawings as "Ensuite" and "Robe 2" on the first floor above the front entry. They point straight into our house. They are already constructed with clear glass but are not dimensioned on the plans and they replace a slit horizontal window high up on the wall of a bathroom and WC. Now the internal plan has changed and these new large windows are in a bathroom and dressing room. Please note that Robe 2 is not a wardrobe but is in fact a medium sized room 3.2m x 2.2m and is a dressing room. We can see workmen in the rooms, what they are wearing, what they are doing etc. and anyone in those two rooms can see into our living areas and two bedrooms. Should these clear glass windows be approved there will no privacy for us and also we will see the occupants of No. 41 in various states of undress in their bathroom and dressing room.

I would like to point out that the Independent Assessment Panel ruled that the applicant must install a vertical blade at the northern end the Dining Room window (Deferred Commencement Condition No. 3) in order to give privacy to Nos. 37 and 39. Our house is much closer to No. 41 than those houses. We are only 22m distant from No. 41 while Nos 37 and 39 are 28m and 30m distant respectively so therefore we have an even worse privacy problem.

It seems clear that the applicant has no regard for the approved plans as they have constructed so many unapproved changes. It also seems the applicant has no regard for the Panel as the new modified drawing shows the blade in a position quite different from that required by the Panel's Condition No. 3 and also deliberately hides the blade on the western elevation.

I ask that the Council officers and the Independent Panel come to our house to see how No. 41's two new windows impact so badly on our privacy.

I am very upset about this new application which removes our privacy and ask that Council will consider my objection.

My planner, Kerry Gordon Planning Services, will also lodge an objection on my behalf.

Yours faithfully,

Susan Hesse

Email sue@michaelhesse.com