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**Sent:** 13/11/2020 3:39:49 PM  
**Subject:** Hanstrum submission: DA 2019/1260 - Attention Renee Ezzy  
**Attachments:** LEC Submission\_privacy.pdf; LEC submission\_Hanstrum.pdf;

Dear Renee,

Please find attached two complementary submissions on the proposed building development at 27-29 North Avalon Road, Avalon Beach.

Regards,

Barry and Susie Hanstrum

31 North Avalon Road

**Submission regarding updated plans for proposed development at 27-29 North Avalon Road, Avalon Beach - DA 2019/1260**

31 North Avalon Road  
Avalon Beach NSW 2107  
13 November 2020

Dear Commissioner,

In addition to the more general objections made in our accompanying submission, this submission expands upon concerns raised regarding the character, front setback, and scale of the proposed dwellings and carpark, and the impact on privacy of our north facing living areas.

The new plans do not address one of our principal concerns with the proposed development, that is, as immediate next-door neighbours, the impact that these imposing structures will have on our privacy. In fact, the raising of the proposed rooftop height in the new plan raises this concern further.

Our weatherboard, modern beach house built in 2013 was designed to optimise the northerly aspect of the block, particularly the winter sunshine and summer breezes. The house was set back in line with neighbours' houses and our main living areas are at the front of the house to optimise the northerly aspect. The front verandah was designed as a private shaded space to enjoy cooling sea breezes in summer. The open, uncovered deck immediately adjacent to the proposed development was planned as a private space to enjoy winter sunshine. Our family spend a lot of time socialising in these special spaces and our children love to play in the front garden.

The 2-storey development proposed, does not respect the private front garden and living areas of our home. The front building line is not sympathetic to the building line of adjacent houses and is set back the bare minimum distance from the street. The second storey of the proposed development has windows that look directly into our front garden and onto our outdoor living areas – the front verandah and the sun deck.

It will tower over the adjacent buildings having a height of around 8.5 metres to the top of the roofline from ground level. By comparison, our carport/studio immediately adjacent has a roofline around 3.5 metres above the ground level. The new plan raises the height of the rooftop of the front dwellings next to our property by 0.8 metres, from 24.21 RL to 25.01 RL. Thus, the second storey window that looks over our front garden has also been raised by this amount. Rather than address the concerns regarding neighbours' privacy the new plan actually makes this situation worse by lifting the window above the carport/studio rooftop height. The proposed increased height of this building will also result in earlier shading of our sundeck by the early afternoon in mid-winter.

The impact of this design change on privacy and overshadowing can be clearly seen in the sequence of images (attached).

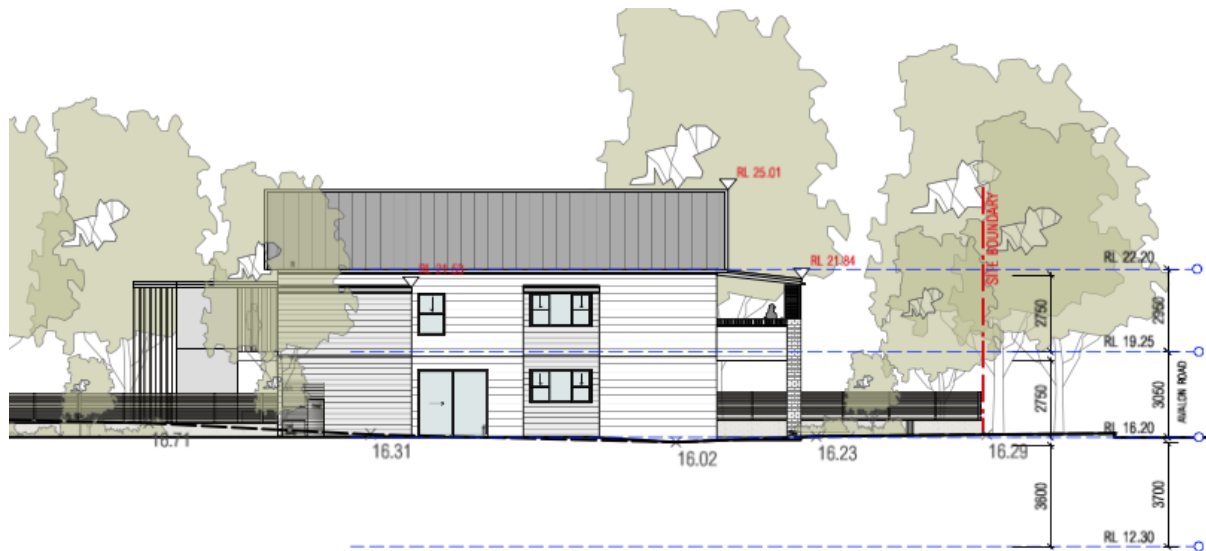
The loss of privacy will be exacerbated by the substantial loss of mature screening trees on the site. The 3 trees marked to be retained along the boundary have sparse foliage and barely reach the roof top of the carport.

The proposal to construct an underground car park for 22 vehicles further illustrates the excessive scale of this development – a more modest, sensitive and respectful development would allow room on the block for more mature trees, buildings and car parking. This is an engineering solution to a problem created by overdevelopment of the site rather than one that addresses residents' concerns about the scale and bulk of the buildings and destruction of the trees.

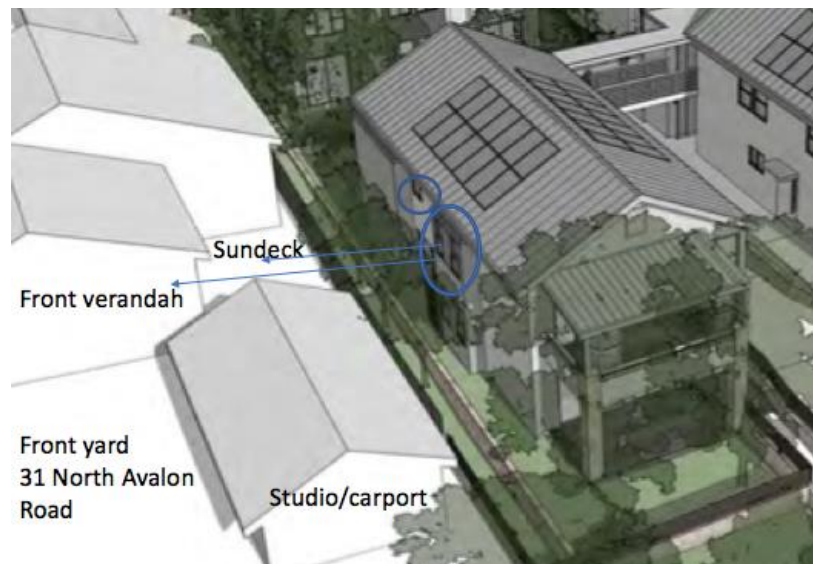
The proposal should be rejected outright. It will have a devastating impact on the privacy of our family home and the residential character of the area.

Barry and Susie Hanstrum

Images showing the excessive bulk and scale of the proposed 2 storey development and its impact on neighbours' privacy



East elevation showing second storey windows with views looking directly into the front garden and outdoor living areas of 31 North Avalon Road. The latest plan has raised the RL from 24.21 RL in the previous plan to 25.01 RL.



3D perspective drawing showing the overbearing scale of the 2-storey dwellings proposed, in comparison to the buildings at 31 North Avalon Road. The proposed roof top height is 5 metres higher than the top of the adjacent carport/studio. Side windows (circled blue) look directly into the front garden and outdoor living areas. (Schematic diagram of 31 North Avalon Road appears to be approximate only and not to scale.)



Approximate roof level of 2<sup>nd</sup> storey dwelling, 5m higher than carport/studio roof level

Approximate position of second storey window viewed from the front verandah of 31 North Avalon Road looking northwest

Image showing the approximate rooftop level of the proposed building and the position of a second storey window overlooking living areas and front garden at 31 North Avalon Road.

Approximate roof level of 2<sup>nd</sup> storey dwelling

Blue rectangle showing approximate position of second storey window viewed from the uncovered sun deck at 31 North Avalon Road.



Image showing the approximate rooftop level of the proposed building and the position of a second storey window overlooking living areas and front garden at 31 North Avalon Road.



Shadow diagram showing excessive shading (highlighted blue area) of north facing sundeck at 31 North Avalon Road by early afternoon June 21. The shaded area at 2pm has increased compared to the previous plan due to the increase in height of the rooftop by 0.8m. Note also the massive scale of this development on the two sites compared to the neighbouring houses.

**Submission regarding development proposal for 27-29 North Avalon Road, Avalon Beach - DA No 2019/1260**

31 North Avalon Road  
Avalon Beach NSW 2107  
13 November 2020

Dear Commissioner,

We wish to express our strong objections to this proposal.

When we were looking for a place to live in Sydney with our young family we were attracted to this area by the feeling of spaciousness, the abundance of large trees surrounding the site, and the relaxed coastal village vibe. These were the elements that defined the character of the area for us. We couldn't possibly have imagined when we built our house in this low density residential area, that we could be living next to a medium density development comprising 10 dwellings, a 22-bay vehicle concrete carpark, and requiring the removal of around 50 mature trees – the complete antithesis of why we settled here.

Our objections include: the bulk and scale of the development, the loss of privacy, the loss of mature trees, the fact that the location does not provide safe or convenient access for seniors to public transport, and that the development is not in the public interest:

**Oversized development not compatible with residential character**

We worked very closely with our architect, Dr Stephen Lesiuk, to ensure that the proportions of our house were balanced with the setting, that the house was of similar scale to the neighbouring houses, was set back in sympathy with these and did not dominate the natural setting.

Contrary to this approach the proposed development plans to crowd 10 units onto the site, with little regard for balance or proportion with the setting. It adopts building heights of around 8.5 m at the street frontage that are incompatible in scale with the neighbouring houses. Effectively we'll be looking out at an 8.5 m high building in our front garden.

The plans show the front building line well in front of the average setbacks of the neighbouring houses (excluding the carports and garages), which is not in sympathy with the setback of these houses (this point is illustrated in the top image of Attachment B). The bottom image clearly shows the disparity in scale between the buildings in this development and the neighbouring houses.

If this proposal is approved, this will be the third seniors' housing development within 200-300 metres. The other two are located at 7 North Avalon Road (6 units) approximately 200 metres from the site, and at 4-6 Binburra Avenue (8 units comprising a mixture of 2 and 3 bedroom apartments) approximately 300 metres from the proposed development. If approved there would be a total of 24 units within 300 metres of the site, a very high ratio of seniors' houses, compared to the number of residential houses in the street.

We are very concerned that this will be the start of a major character change, not just for our street but for the North Avalon area, with medium density housing being developed on the secondary roads within the heart of North Avalon, rather than on major roads near commercial centres.

We don't believe that any reasonable person could argue the fact that the design of this development is incongruous with the surrounding neighbourhood and with the existing character of the area. The proposal to build 10 units represents a significant over-development of the site, given its zoning and location. The development does not contribute to the quality and identity of the area, nor does it maintain 'appropriate residential character' as prescribed in the seniors housing policy.

### **Loss of privacy**

The two-storey buildings with windows that look down across our front garden and living area will have major effects on our lifestyle and privacy. Please refer to our complementary submission that addresses this concern separately.

### **Loss of trees**

The green, leafy, environment is a defining characteristic of the neighbourhood. The loss of almost 50 trees on the site will have a huge impact on the natural environment of the neighbourhood. The trees that are proposed to be removed provide screening for the neighbours – there has been no attempt to integrate the existing trees into the design.

Clause 33 of the seniors housing policy states that '...wherever reasonable, major existing trees' should be retained in new developments. The Avalon Beach Development Control Plan states that "existing and new vegetation, including canopy trees, will be integrated with the development". Further, it says that a key principle behind new development is that there should be "houses amongst the trees and not trees amongst the houses".

The proposal removes almost all the major existing trees on the site rather than preserving these where possible. Consequently, the new buildings will totally dominate the natural setting rather than vice versa.

As well as the significant visual and privacy impacts of removing the trees, the destruction of almost 50 trees on the site will decimate habitat for native birds and animals. Any new trees planted on the perimeter of the site will take years to become established and by this time the wildlife will be gone. Clearly, the wholesale removal of trees and shrubs will have detrimental impacts on our privacy.

### **Unsafe, inconvenient access to essential facilities for seniors**

The location of the development does not provide either safe or convenient access to bank services and the practice of a medical practitioner as required by Clause 26 of the seniors housing policy. This clause states that seniors housing should be located within 400 metres of these essential services. It then goes on to say that if that is not the case, then the development should be within 400 metres of public transport that can provide access to these essential services.

The journey to the medical centre in Avalon Village and back to the site is a significant excursion. It requires around 1.6 kilometres travel by foot, wheelchair or motorized cart, in addition to the bus trip. This can hardly be described as convenient access.

A "suitable access pathway" to public transport is also required. As defined by Clause 26 (of the seniors housing policy) a "suitable access pathway" is a "sealed footpath" and other travel path which can be used **safely** by "an electric wheelchair, motorised cart or the like". In a similar vein, Clause 38 of the seniors housing policy states that there should be "obvious and **safe**" pedestrian access from the location to public transport or local services.



For the return journey to the location, the bus stop on the western side of Barrenjoey Road is located 435 metres from the entrance pathway into the development site, which exceeds the upper limit of 400 metres as specified in the seniors housing policy.

The designated return bus route from Avalon Village does not provide a “suitable access footpath” that is safe for use by a pedestrian or electric wheelchair, motorised cart or similar. The pathway on the western side of Barrenjoey Road which leads from the bus stop to the road crossing is narrower in parts than the required 1200mm width, and even more significantly, it drops abruptly to ground level more than a metre below (I draw your attention to the photograph in Attachment C which shows the pathway to the bus stop looking north on the western side of Barrenjoey Road).

There are serious safety concerns associated with crossing Barrenjoey Road. This is a very busy road and a potentially dangerous crossing at the best of times. The so-called ‘island refuge’ can be a precarious stopping point when confronted with buses and other large vehicles traversing the roadway at speed. Vision is limited for vehicles approaching from the north due to the sharp bend in the road, and vehicles turning right onto Barrenjoey Road from North Avalon Road also need to be watched carefully. The safety rail in the ‘island’ refuge has been flattened by vehicles a number of times in the past few years.

Further to these concerns, Clause 26 of the seniors housing policy does not allow for any gradient along the pathway to exceed 1:8. There are three sections of the path to the bus stops which are non-compliant with Clause 26. These are: the kerb ramp on the western side of Barrenjoey Road, the kerb ramp on the corner of North Avalon Road and Catalina Crescent, and the transition to the footpaths either side of Tasman Road.

It is abundantly clear that the development proposal does not provide convenient and safe access to and from public transport. Instead it will expose vulnerable members of our community to a dangerous crossing of a very busy main road.

### **Traffic congestion**

The intersection of North Avalon Road and Barrenjoey Road is already overloaded with cars at peak periods, as evidenced by the long queues of vehicles extending back along North Avalon Road as far as Tasman Road (this is shown in the photograph in Attachment C).

This build up in traffic is mainly caused by drop offs at Barrenjoey High School, the Montessori School and two day-care centres in North Avalon, converging with local traffic heading into Avalon Village along Barrenjoey Road. The regional road infrastructure is also beyond capacity as evidenced by the traffic congestion experienced every morning from 8.30am to 9.30am between Whale Beach Road and the Bilgola Bends. The roads are struggling to cope with the existing residential traffic, not only during the morning peak but at other times such as peak weekend and holiday season traffic. Adding more cars on the streets of North Avalon will only worsen this situation.

### **Public interest**

It is very difficult to imagine how the general welfare, security and well-being of anyone in the community will be served by this development.

The proposal aims to provide a greater supply of housing for seniors and people with a disability in the area. There are already 14 seniors living homes within two to three hundred metres to the west of this site which cater for this need in our area.

Residents downsizing into Avalon Beach look for homes that are sympathetic to a relaxed coastal lifestyle in settings that pay respect to the environment. They prefer to walk in the open air through gardens, not along elevated walkways. They have a basic right to obvious and safe access to essential medical services, not met by this proposal.

Areas of non-compliance of the development in relation to the seniors housing policy are summarised in Attachment A.

In summary, our objections centre around the excessive over-development of the site, the extravagant bulk and scale of the development which is totally out of character with the neighbourhood, the wholesale removal of around 50 trees, and the fact that the location does not provide either safe or convenient access to essential services and facilities.

This development does not contribute to the quality and identity of the area, nor does it maintain 'appropriate residential character' as prescribed in the seniors housing policy. It is not in the public interest.

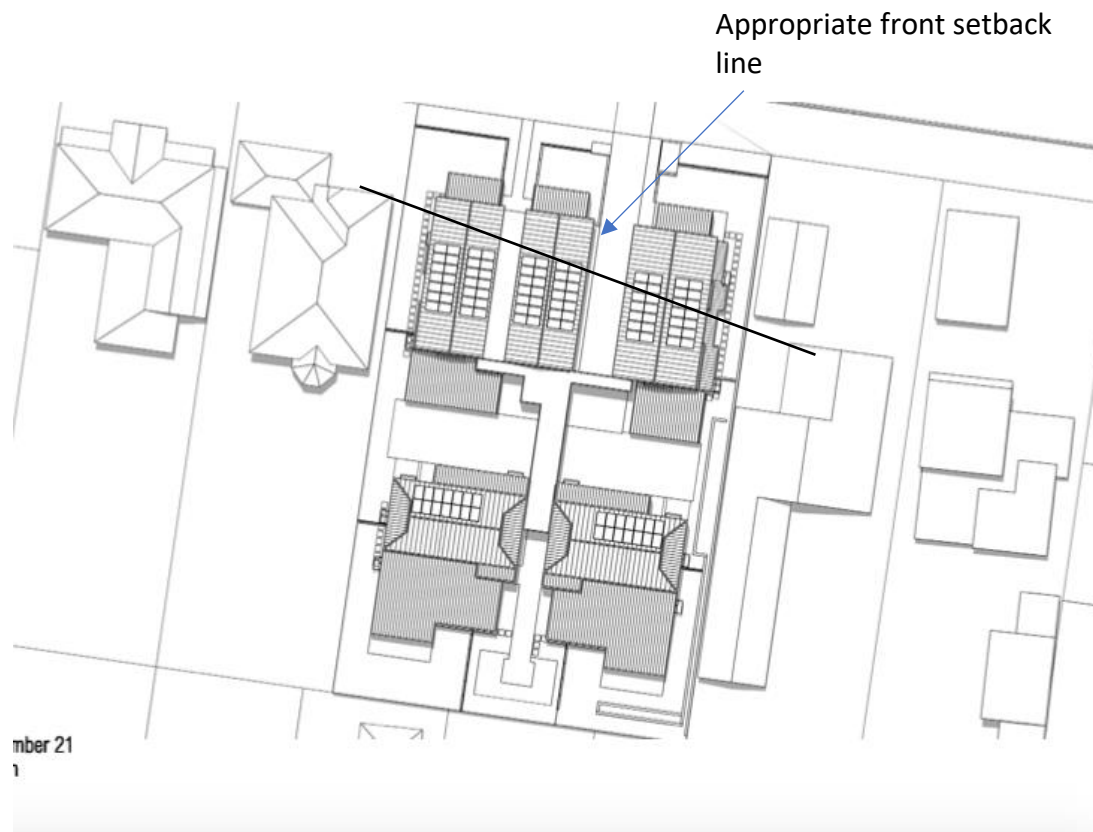
More than 150 residents have spoken loudly and clearly in unanimous opposition to this proposal. The Northern Beaches Council has comprehensively rejected the proposal. The areas of non-compliance with relevant state and local planning policies cover a broad range of issues that cannot be addressed by adjusting the current plans. The overwhelming weight of evidence leads to the conclusion that this proposal should be rejected outright.

Barry and Susie Hanstrum

**Attachment A - List of items that are non-compliant with SEPP HSPD.**

<b><i>SEPP HSPD requirement</i></b>	<b><i>Apparent non-compliance</i></b>
<i>Distance to bank and medical services no more than 400 metres. (Clause 26)</i>	Travel distance to nearest bank and medical services in Avalon Village is around 1.8 kilometres.
<i>If more than 400 metres to banking and medical services, then distance to public transport services no more than 400 metres (Clause 26)</i>	Distance from return bus services on western side of Barrenjoey Road to entrance pathway is 435 metres.
<i>Travel pathway to bus services is safe. (Clause 23 and 38)</i>	<ul style="list-style-type: none"> <li>- Barrenjoey Road is a potentially dangerous road crossing.</li> <li>- Travel pathway from Bus Stop on western side of Barrenjoey Road to kerbside entrance to Barrenjoey Road is less than the regulation 1200 mm width in sections.</li> </ul>
<i>Travel pathway gradient to bus stops is no more than 1:8 Clause (26)</i>	The pathway is non-compliant in several places as described in the 'Assessment of Distance and Path of Travel to the Bus Stops' report.
<i>Retain wherever possible major existing trees (Clause 33)</i>	Almost all 48 trees on the block are destroyed. Only one major tree at the rear of the site is retained in landscape plans.
<i>Maintain reasonable and appropriate residential character (Clause 33)</i>	<ul style="list-style-type: none"> <li>- oversized development of 10 units in 5 bulky buildings does not maintain appropriate residential character.</li> <li>- Elevated walkways are not in character with neighbourhood.</li> <li>- Wide 'gun barrel' concrete driveway and concrete 15-bay carport are not compatible with existing character.</li> <li>- 8 m height buildings setback only 6.5m are not compatible with adjacent houses</li> </ul>
<i>Front building line is setback in sympathy with the existing building line. (Clause 33)</i>	De-facto building line should be drawn across the front of the adjacent <b>houses</b> , not across the outhouses or carports.
<i>Building must be less than 2 storeys on rear 15% of the block. (Clause 33)</i>	2 storey buildings encroach 1.4 metres into the rear 15% of the block.
<i>Appropriate site planning to reduce acoustic and visual impacts on neighbours. (Clause 34)</i>	<ul style="list-style-type: none"> <li>- Design of elevated walkways are invasive to neighbours privacy.</li> <li>-Design of central car park will cause noise impacts to neighbours.</li> </ul>

## Attachment B – Illustration of inappropriate bulk and scale of the development



*Plan view from Shadow Diagrams report showing bulk and scale of the development in comparison to neighbouring properties (north is towards the top of the diagram). The black line shows the front building line to maintain appropriate setback with the adjacent houses (not carports or outbuildings).*



*3D image from the Shadow Diagrams report looking south, illustrating the inappropriate bulk and scale of the development.*

**Attachment C** – Images showing morning traffic congestion on North Avalon Road (top) and narrow pathway to bus stop on western side of Barrenjoey Road (bottom).



Pathway on the western side of Barrenjoey Road between the return bus stop and the Barrenjoey Road crossing. The path is less than 1200 mm wide in places and there is a steep 1-2 metre drop on the edge of the pathway.