

## DA2021/1032: 8 Delecta Avenue Clareville

### Castle Further Submission -- 10/12/21

#### Local Residents have been ignored

Experts may differ. And here have done so in spades. “**Reasonable**” is in the eye of the beholder. The 13 local residents (including the neighbours on both sides) and their architect do not believe this development is **reasonable** or is consistent with the existing built and natural environment. On the contrary it will set a dangerous precedent in this precinct – and lower the bar for future developments. The excessive built form and landscape coverage are out of character with all other dwellings in this precinct and are certainly not **reasonable**. The members of the panel, representing the community, should form their own views of what is **reasonable**– after inspecting the site and considering all submissions.

#### Reasonable

The Council Report uses this expression no less than 5 times in 3 pages: –

- the non-compliance with landscaped area is considered to be **reasonable**
- there is **no unreasonable** opportunity for the site to act as two separate dwellings
- there is a **reasonable** presentation of the overall building bulk on the site
- the terrace does not cause any **unreasonable** privacy impact, and
- the development would maintain a **reasonable** level of view sharing.

The expert commissioned by local residents does not agree that any of these are **reasonable**. Nor do the local residents most affected. The landscaped ratio is highly debatable and certainly not **reasonable**. The impact of the terrace on the privacy and amenity of our property and the Coots property is far from **reasonable**. Nor is it “**reasonable**” to sweep under the carpet so many other matters of concern by imposing conditions of consent – leaving the enforcement of such conditions to local residents and continuing this conflict well into the future.

The panel will see for itself that this proposed development pushes the boundaries well beyond what is **reasonable** and acceptable in a special precinct where the area objective is “to continue to provide an informal relaxed casual seaside environment”. This development is designed to maximise its footprint and pay no respect to the existing natural and built environment.

Council is no doubt obliged by planning laws to set the bar at the lowest possible rung – **reasonable**. This is not a ringing endorsement of the proposal – which has attracted unprecedented local opposition. So what may be **reasonable** to those seeking to justify a marginal proposal is not

reasonable to those seeking to maintain the existing character of the neighbourhood. So finally it is up to the panel to decide firstly if **reasonable** is a sufficient standard to upset planning laws and local opposition and, if so, whether in the individual opinion of each member of the panel this development is **reasonable** in the light of the widespread opposition from those most affected and of maintaining the character of this very special area.

### Cosmetic changes

These apparently satisfied the council not only that they need not be re-advertised but that they overcame its objections. However the neighbours most affected, and their expert architect, did not agree that the changes materially altered the objections expressed by all 13 residents. Obviously the panel will judge for itself whether these changes were cosmetic only or made a material difference.

### Site Coverage, Dual Occupancy, Overlooking and Traffic

The expert architect has gone to great trouble to demonstrate the site coverage or landscaped ratio is unacceptable. This must raise at least a reasonable doubt which should be of major concern to the panel in relation to this precinct.

It is not acceptable that a building obviously designed for dual residency should be waived through subject only to a condition of consent. These conditions are a second-best alternative to refusal and are notoriously difficult to enforce. How are neighbours and local residents able to judge between occupation of the secondary area by family, friends or tenants? Obviously this is not satisfactory to anyone and should, of itself, justify refusal.

It is not acceptable for Council to tell us that the proposed terrace and building itself onto Delecta “does not cause any unreasonable privacy impact”. No other building backing on to Delecta Avenue on that side of the road overlooks our house, that of the Coops or any other property. This is out of keeping with the entire neighbourhood and sets a dangerous precedent. It will seriously interfere with the enjoyment of all properties which will be overlooked and subject to lack of privacy and aesthetic enjoyment. The planning controls require that “buildings do not dominate the streetscape...”. This building will dominate the streetscape on that side of Delecta Avenue and will overlook a number of other residences including ours. The planning controls also require buildings to “preserve and enhance district and local views”. This building will destroy our existing view of Delecta Avenue.

Finally, the increased traffic in the area, as a result of the proposed development catering for more residents, may be the straw which breaks the camel’s back. Existing traffic in the area, particularly at weekends and public holidays is at breaking point – as are local residents (including us). Once again, only this week, garbage trucks missed bin collections (including ours) because they cannot navigate the narrow roadway and impossibly steep corner. The potential dual occupancy of this property will be the last straw – not just during construction but on a permanent basis.

## Conclusion

There has been unprecedented concern by local residents opposing this development in its current form. None of us oppose reasonable renovations or a reasonable replacement single dwelling. However we object to the size and scale showing a complete lack of regard for the local natural and built environment. The amendments are cosmetic only and have not alleviated our concern. Council town planning staff are obliged to waive through anything which could be considered to have **reasonably** complied with the planning laws. Local residents and their expert architect believe that these laws have not been complied with, or, have been stretched beyond breaking point. So, not only has **reasonable** compliance not been established but also the proposal is so out of character with the local environment and amenity that it must be rejected.

Hopefully all this will be apparent to the panel on their site inspection and on reading the multiple opposing submissions and taking into account that there have been no submissions supporting this development.

I will be only too happy to elaborate further before or at the meeting next Wednesday.

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Regards

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