



northern
beaches
council

14 November 2019



Susan E Root, Matthew K Root
C/- Vaughan Milligan Development Consulting Pty Ltd
PO Box 49
NEWPORT BEACH NSW 2106

Dear Sir/Madam,

Development Application No: DA2019/1007 for Alterations and additions to a dwelling house at 67 Marine Parade AVALON BEACH.

Council has completed a preliminary assessment of your application which was received by Council on 12/09/2019 and has identified a number of areas of non-compliance **and** insufficient information that will not allow Council to support the application in its current form.

These matters are as follows:

Biodiversity

Council's Biodiversity Officer has reviewed the proposal and has advised that there is insufficient information to determine if the proposal will comply with the biodiversity controls and policies of the state and Council.

Of particular concern are the provisions of the following policies:

- SEPP (Coastal Management) - Coastal Environment Area
- Pittwater DCP Clause B4.3 Flora and Fauna Habitat Enhancement Category 2 Land

The Biodiversity Officer has requested the following information to justify the potential impact of the proposal on the natural environment:

"A Biodiversity Impact Report, prepared by a suitably qualified ecologist, quantifying proposed and potential impacts to native vegetation, wildlife and habitat. The report should also address how the proposal can achieve compliance with the above controls, including identification of appropriate impact mitigation/compensatory measures (e.g. reduction in scale of the parent's retreat; revegetation; improvement of vegetation within the former quarry site). In accordance with Section 7.3 of the NSW Biodiversity Conservation Act 2016, the report should also include 'Tests of Significance' for any applicable threatened entities which may be impacted."

The full comments from the Biodiversity Officer can be viewed on-line. See link attached:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/LoadAppPropDoc.ashx?id=%252fCbZfpRelqV0A60ki4OEg%253d%253d>



Objectives of E4 Environmental Living Zone

The location of the master bedroom and associated rooms are not consistent with the objectives of the E4 Environmental Living Zone of Pittwater Local Environmental Plan 2013.

The objectives of this zone are, amongst others, to ensure that new residential development is of low-impact and retains the ecological value of land and be integrated with its landforms.

Given that there is insufficient information to determine the exact impact of this part of the proposal on an area of the site likely to have a high ecological value, the application is not supported.

Building Envelope

The south elevation of the proposed works are outside of the Building Envelope specified in Part D1.11 of Pittwater 21 Development Control Plan (P21DCP).

The breach of this envelope is significant and relates to a substantial portion of the first floor plan, including the lounge room, stairs, bathroom and bedrooms. The breach extends for a length approximately 25 metres and up to a height of 4 metres.

This part of the proposed works will have an adverse visual impact when viewed from adjoining properties and will also result in the loss of views to significant landmarks from adjoining properties.

Therefore, the proposal fails both the objectives and controls of P21DCP.

Side Setback

The proposed works do not comply with Part D1.9 Side and rear building line of P21DCP.

Of concern is the non-compliance on the south side boundary, where a nil to 1.7m setback is proposed. This will result in an adverse visual impact when viewed from adjoining properties.

This setback is insufficient to satisfy the objectives and controls of P21DCP.

View Loss

A site inspection to the adjoining property at No.65 Marine Parade has identified that there will be view loss caused by the proposal. This relates to existing views this property has to the north-west, to Careel Bay.

The first floor additions will result in a loss of these views. In the context of the non-compliance with the Building Envelope and Side Setback controls of P21DCP, this loss is unacceptable.

The application is inconsistent with:

- Part C1.3 View Sharing of the P21 DCP; and



- The NSW Land & Environment Court Planning Principle for “Views”.

and is therefore is not supported.

Visual Privacy

The roof-top terrace located over the master bedroom will have an adverse impact on the privacy of the private open space for the adjoining property at No.65 Marine Parade. This terrace has the potential to cause overlooking into this area from the occupants of the proposed dwelling, given its elevated position.

The application therefore fails the objectives and requirements of Part C1.5 of P21 DCP.

Landscaped Open Space

There is insufficient landscaped open space to comply with the requirements of Part D1.14 Landscaped Area of P21 DCP.

An estimated 57% of the site is set aside as landscaped open space, which is short of the minimum 60% required. The shortfall in landscaped open space is likely to be a result of the master bedroom part of the works. Elevated structures are not given dispensation from the calculation of landscaped open space.

Given that the proposal will effect an area of native habitat on the site, it is not reasonable to support this non-compliance.

Advice for the Applicant

Please accept Council's apologies for the delay in this correspondence.

Unfortunately, Council is unable to support the proposal in its current form.

The extent of the issues identified in the application will require the proposal to be significantly re-designed. Of key importance is for the bio-diversity value of the land to be properly assessed and then if required, the proposal to be modified to ensure no adverse impact. Also of equal importance are the amenity impacts on the adjoining dwelling at No.65, which will require substantial re-design to address.

Hence, it is recommended you withdraw this application and resubmit a new application that addresses all of the issues listed above.

Council will refund **75%** of the Development Application fee for the current application, if withdrawn. If you have not contacted Council by 21 November 2019, Council will assume that you are not withdrawing this application. In this case, no fees can be refunded and the application will be assessed and determined in its current form.

Should you agree to withdraw and in order for Council to process the request, confirmation must be received in writing to council@northernbeaches.nsw.gov.au To speed up the processing of your refund, please supply bank details using the table provided below, otherwise your refund will be forwarded by way of cheque.

Please note that bank details supplied should match the name listed on the top line of your tax invoice receipt for the application. If bank details supplied do not



match this name, then the refund will be forwarded by way of cheque. Council cannot be held responsible if the bank account details provided by you are incorrect.

Bank	
Account Name	
BSB	
Account Number	
Email Address	

If you have not contacted Council by 21 November 2019, Council will assume that you are not withdrawing this application. No fees will be refunded and we will assess this application in its current form.

Should you wish to discuss any issues raised in this letter, please contact Nick England on 1300 434 434 between 8.30am to 5.00pm Monday to Friday.

Yours faithfully

Anna Williams
Manager, Development Assessment