
From: Scott Chadwick
Sent: 25/01/2024 10:13:13 AM
To: Council Northernbeaches Mailbox
Cc: [REDACTED] Jaye Chadwick
Subject: DA 2023 1780 89 MARINE PARADE AVALO COVERING LETTER FOR LETTER OF OBJECTION SUBMISSION: CHADICK/TULLOCH
Attachments: Letter to Northern Beaches Council.docx;

Scott Chadwick
[REDACTED]

91 Marine Parade
Avalon Beach
NSW 2107

FAO: Maxwell Duncan

Re: Commentary regarding DA2023/1780 at 89 Marine Parade, Avalon Beach

Dear Maxwell,

We write regarding the above DA and to support the objection letter prepared on our behalf by Bill Tulloch.

The purpose of this letter is to summarise our fundamental key issues and ensure that Council understands that we are not objecting to the above DA in principle. In fact, we would like to support our neighbour's proposal, as long as it doesn't detrimentally impact our amenity, as per the current proposal.

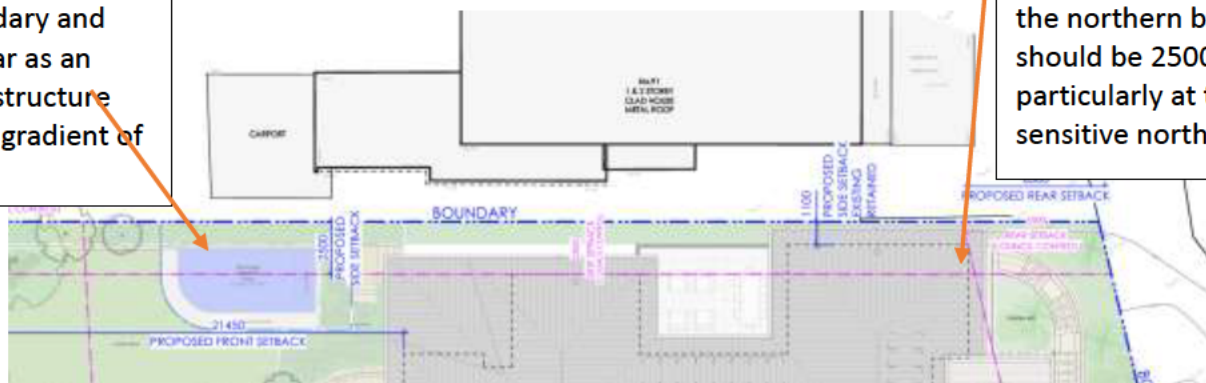
We would also like to request that Council make a site visit to our property to fully understand the impacts on our amenity and note our contact details under signed.

Our key objection is to the following breach of numerical controls and associated impact to our privacy:

1. Side setback breach on the northern elevation. Within 1100 mm off the rear northern elevation and almost on the boundary off the rear northern gutter line.

Figure 1 – Unreasonable side setback breach – key areas of concern

The swimming pool is only 1100mm off the boundary and will appear as an elevated structure given the gradient of the land.

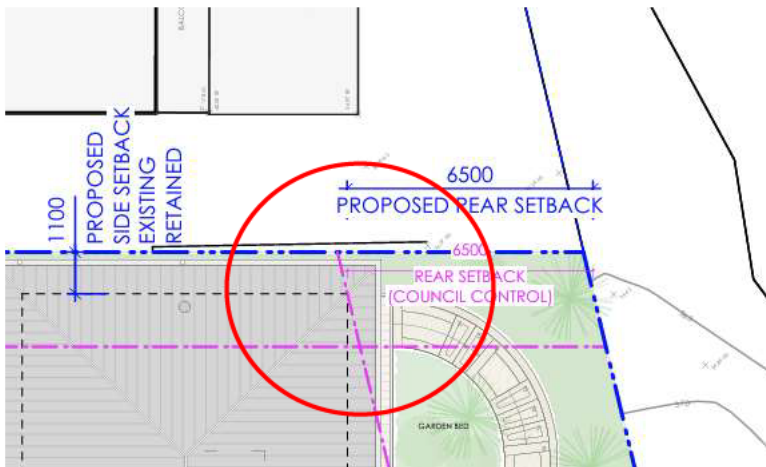


Gutter line is right on the boundary and northern elevation setback only 1100mm. Side setback on the northern boundary should be 2500mm, particularly at this sensitive northeast corner.

Source: Annotated proposed site plan

2. Non-compliant rear setback – the key area of concern is circled in figure 2 below

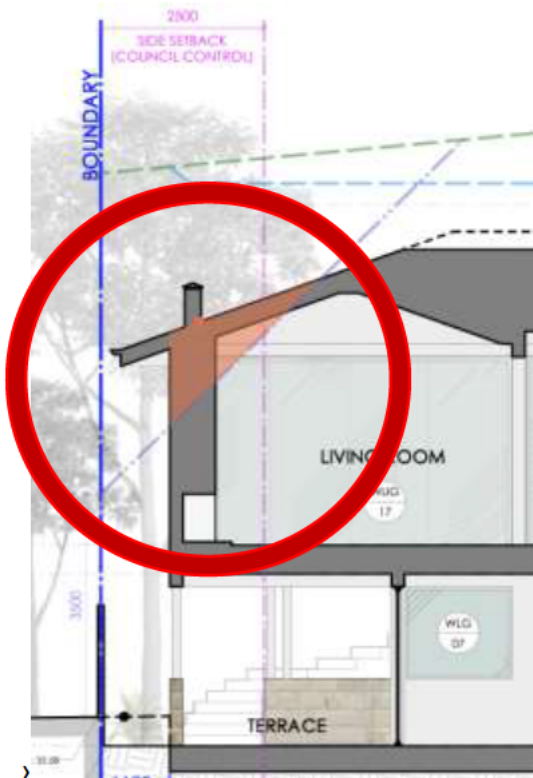
Figure 2 – Unreasonable rear setback – key area of concern



Both a breach to side and rear setback occurs at the point highlighted on the north eastern corner elevation and is immediately adjacent to our principal outdoor amenity space, impacting our visual and acoustic privacy and resulting in a significant overbearing impact.

Source: Annotated proposed site plan

Figure 3 – Resulting breach to the side boundary envelope given the non-compliant side and rear setback



The breach to the side and rear setback at the north eastern corner results in the non-compliant building envelope. Importantly, our concerns are with regard to the impact on our amenity that would arise from the numerical breaches.

Source: Annotated proposed section D-D plan

Photo 1 – Impact on our privacy by virtue of the breach to the side and rear setback and building envelope – note that the existing building already presents an unacceptable impact but a considerably larger built form, with increased floor height, would create a significantly greater impact than existing. The corner windows serving the living room at upper ground floor level and balcony area would enable direct overlooking into our rear amenity space and bedroom.



Source: own photo taken from bedroom window at first floor level

The main argument to the breach of controls and associated impacts on our privacy would appear to be the existing side and rear building line. However, the existing building is a considerably more modest built form and maintaining the existing building line for a building considerably larger than existing should not be accepted as appropriate justification.

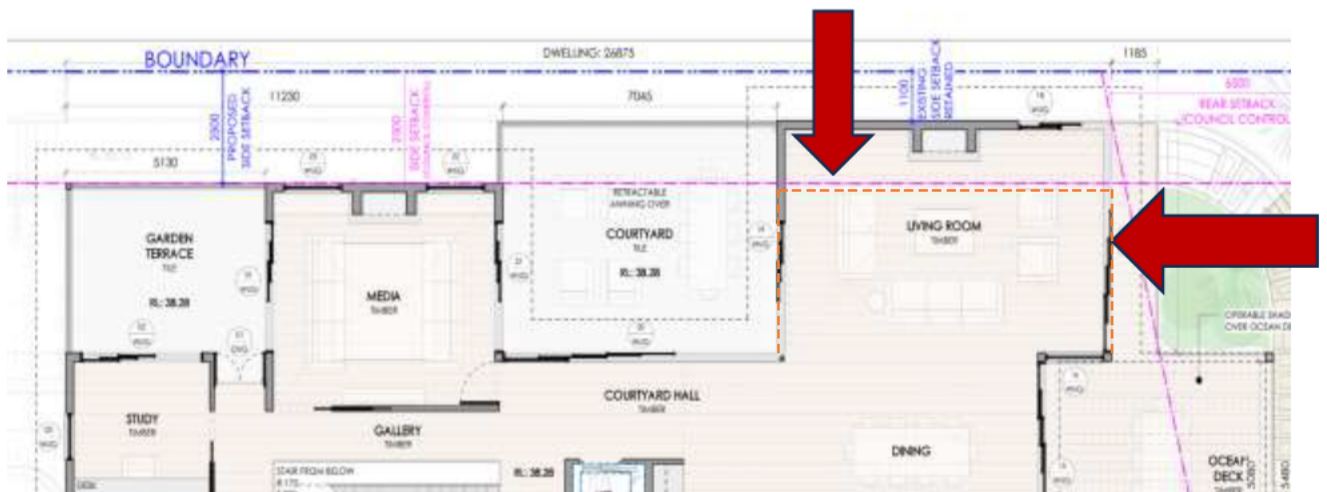
Further to this, the large, floor to ceiling window opening to serve the living room and balcony would enable substantially greater levels of overlooking. This is further exacerbated by the increase in floor height by some 400mm higher than existing which not only adds to the bulk and scale of the proposed development but creates significantly greater loss of privacy.

We are not asking for any unreasonable amendments to the proposed developments or ones which reduce our neighbours desired floor space.

Should the following amendments be made to the proposed DA, we would likely support the DA, subject to further consideration of the amended plans.

1. Pull the north eastern corner of the proposed development (serving the covered terrace, living room and balcony) off the rear and side building line. The proposed development, including any built structures (elevated decks, etc) should be pulled back to Council's 6.5 metre rear building line and pull the side building line by 2500 mm (including the gutter line), as shown in figure 4.
2. Remove any fenestration from the northern elevation of the proposed development.
3. Remove the rear balcony to the living room or add a 1.8 metre privacy screen to the northern edge of the balcony.

Figure 4 – Suggested amendment to overcome the impact of the proposed development at the north eastern corner – pull back the built form (including the gutter line) at the north eastern corner, as annotated by the two red arrows and red hatch lines, remove any fenestration on the northern elevation and either remove the balcony off the northern elevation or add a 1.8 metre privacy screen (at amended siting).



Source: Annotated proposed upper ground floor plan

4. Pull back the swimming pool to 2500mm off the northern side boundary, particularly given that the gradient of the land slopes up to the south. The swimming pool, in close proximity to the northern boundary, would directly overlook our amenity space to the front of the site. The garden to the front of our home become our principal amenity space when the north easterly wind blows in.

As already discussed, we request that Council take into account all of our concerns detailed in our objection letter prepared by Bill Tulloch but note these particular points that we feel are fundamental to safeguarding our reasonable level of amenity.

Kind regards,

Scott and Jaye Chadwick

[Redacted]
[Redacted]