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**Sent:** 25/08/2019 2:43:46 PM

**Subject:** Objection Submission for DA2019-0774 at 40 Maxwell Street Mona Vale

**Attachments:** Objection Submission for DA2019-0774 at 40 Maxwell Street Mona Vale.pdf;

Please see attached for Objection Submission for DA2019-0774 at 40 Maxwell Street Mona Vale.

Thank you

Kim Wilkinson



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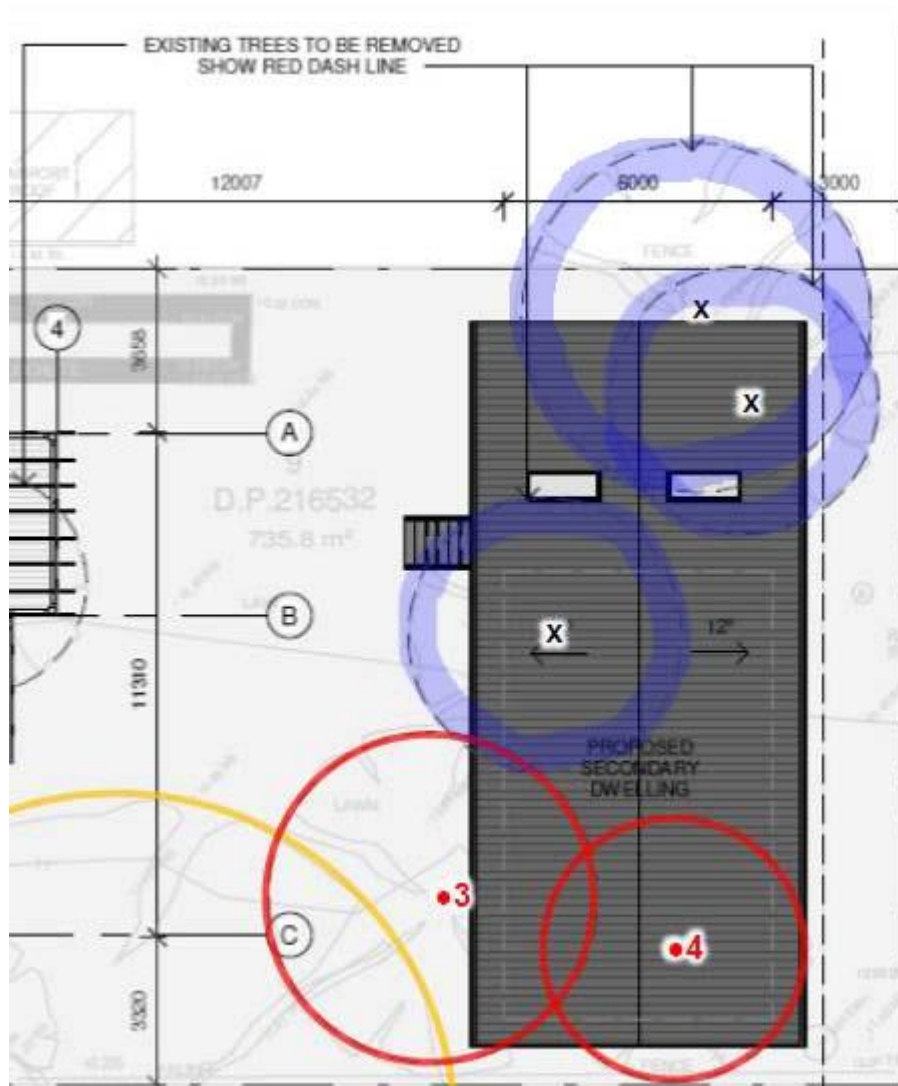
Northern Beaches Council  
PO Box 882  
NSW 1660

**Objection Submission for DA2019/0774 at 40 Maxwell Street Mona Vale**

I object to the development application on the following issues.

1) Tree and Vegetation Loss

I object to the loss of **Tree 3** and **Tree 4** identified in the Arborist Report, which are located inside of the proposed construction footprint, and the trees cannot be retained under the current proposal. These are shown in red circles in the plan here.



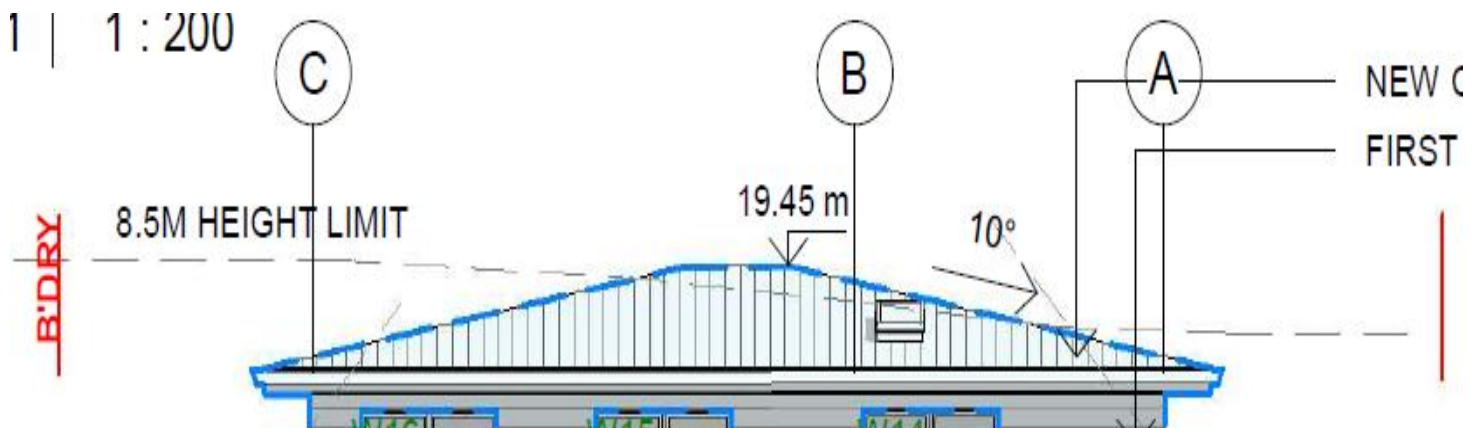
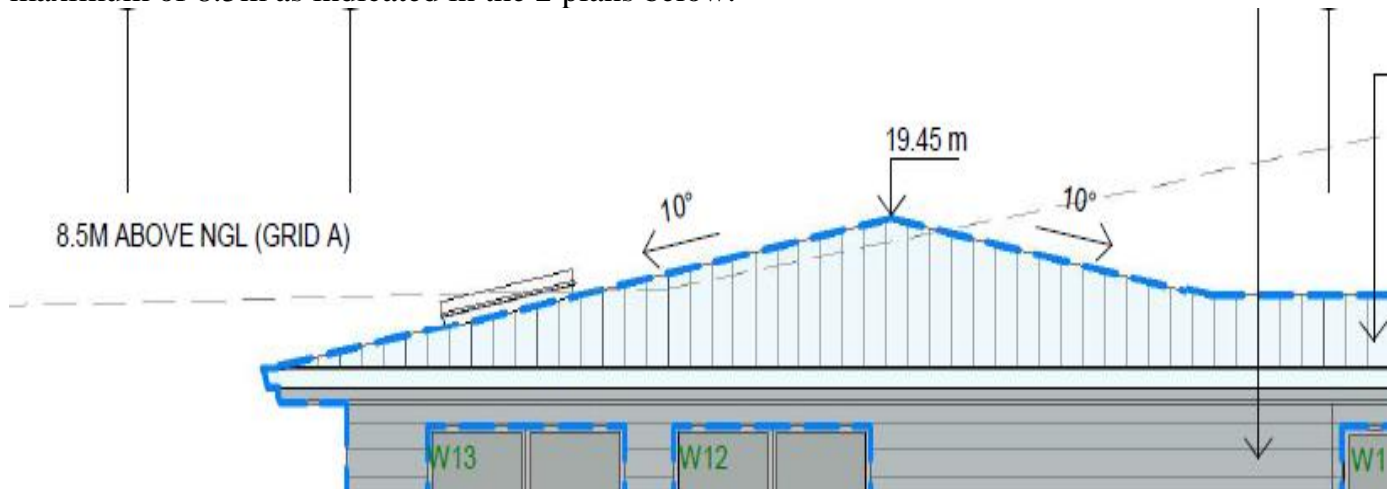
Also there is other vegetation loss identified by the blue circles that I cannot find has been referred to in any report but which is shown on plans submitted and highlighted here as being lost vegetation.

## 2) No Landscape Plan

There has not been a landscape plan submitted to ensure compliance with Pittwater 21 DCP clause C1.1 is achieved. A suitable plan should be requested from the applicant.

## 3) Height of Principal Dwelling

I object that the height of the second storey addition to the principal dwelling exceeds the maximum of 8.5m as indicated in the 2 plans below.



Already the buildings are substantially elevated from the ground and any breach for height must not be approved.

#### 4) Side Building Envelopes Breached

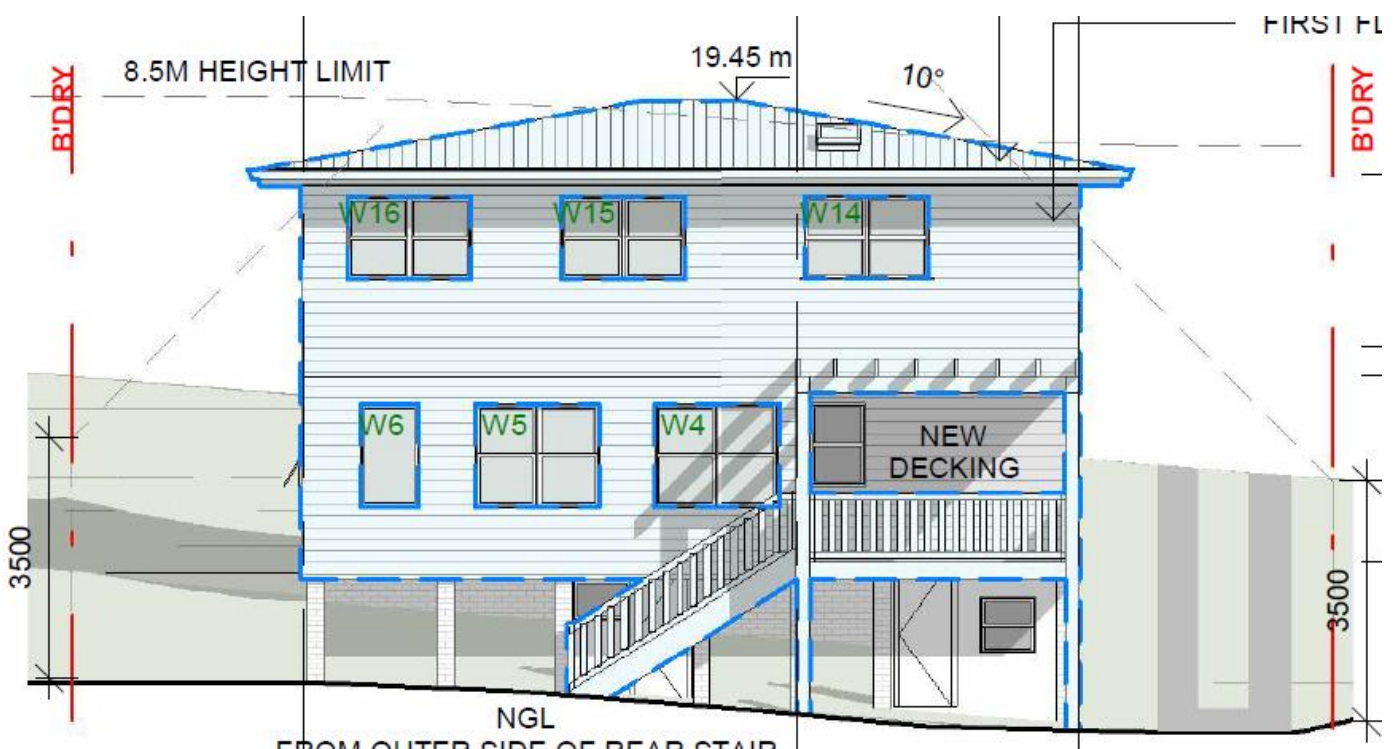
Pittwater 21 DCP states.

Development other than residential flat buildings and multi dwelling housing:

Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to *Pittwater Local Environmental Plan 2014*).]

The envelope established by a 45 degree angle drawn 3.5m up on each side boundary and projected through the building indicates non-compliance with this planning control.

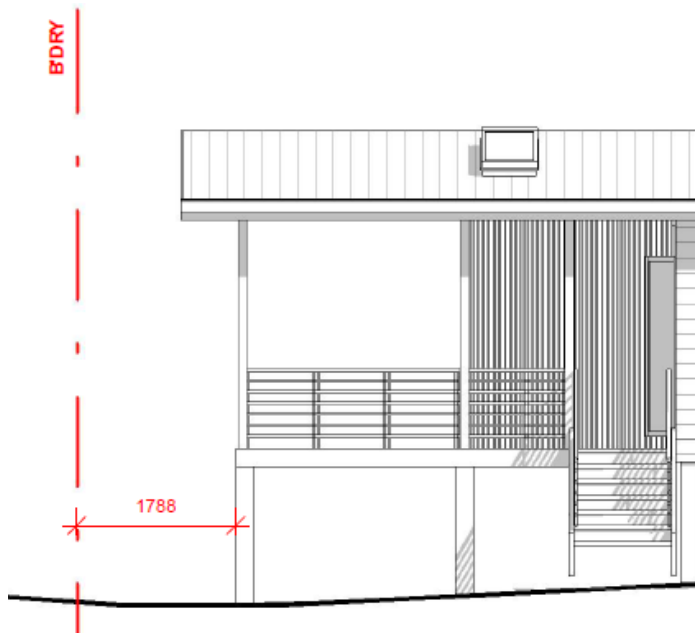
The plan below shows both side elevations do not comply.



Given the high elevation from the ground of both the secondary dwelling creating privacy impacts for surrounding neighbours and the top floor addition of the principal dwelling the application performs poorly for height controls.

It should not be approved considering in relation to the principal dwelling the 8.5m height control is breached and the side building envelope control is also breached indicating a poor planning outcome.

### 5) Setbacks to Neighbour at Northern Boundary



Pittwater 21 DCP requires side setbacks to be 1m to one side and 2.5m to the other.

The proposed secondary dwelling has the greatest setback to the northern side boundary, but only achieves 1788mm.

The 3D model below shows an extensive balcony to this boundary and there is no reason why the balcony cannot be reduced in size and pulled back from the boundary to achieve 2500mm.

The proposed 1788mm is not acceptable and the application must not be approved.

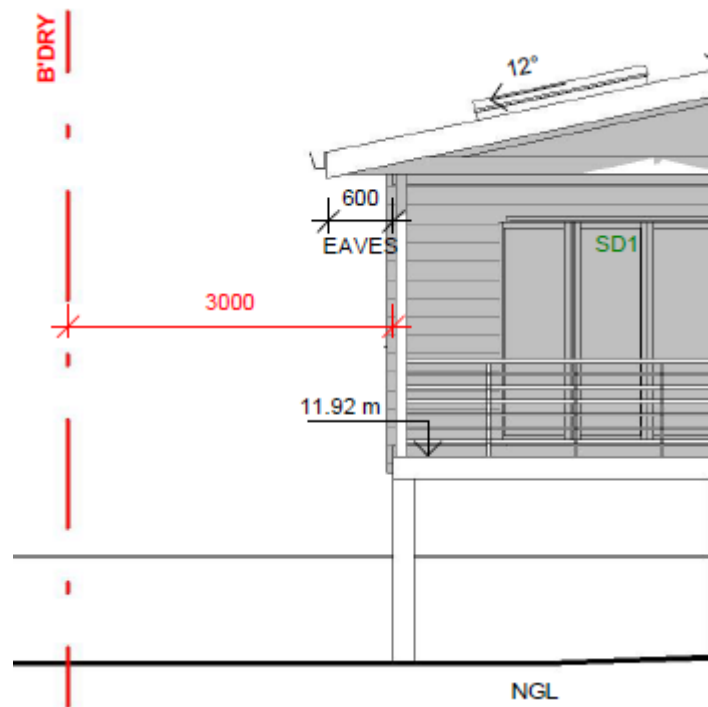


6) Rear Setback

By far the most significant issue with this DA is the grossly non-complying setback to the rear boundary, which is 3000 when 6500 is required (Pittwater 21 DCP clause D9.7). Extract shown here.

DCP's are to permit allowable development in an orderly manner with controls to ensure a coordinated complying town planning approach is taken and achieved and impacts on neighbours are minimized. Applications such as this that do not comply must not be entertained. The proposal must not be approved with such a non-complying setback to the rear boundary and I submit must be the number one reason for refusal of the development application.

Side & Rear Building Line Setback (metres)
2.5 to at least one side; 1.0 for other side
6.5 rear (other than where the foreshore building line applies)
Dual Occupancy
2.5 to at least one side; 1.0 for other side
6.5 rear (other than where the foreshore building line applies)
Secondary Dwelling
2.5 to at least one side; 1.0 for other side
6.5 rear (other than where the foreshore building line applies)



It is noted the secondary dwelling can be moved towards the principal dwelling by 3500 and this will achieve compliance. Given the considerable elevated height of the secondary dwelling this exacerbates the issue of non-complying setbacks

#### 7) Withdraw the DA and Resubmit New Plans

The extent of the spread of increasing the principal dwelling the building footprint and the desire for a detached secondary dwelling is not the best outcome for this site.

A redesign of the proposal should be suggested now to the applicant by incorporating the secondary dwelling to on top of the principal dwelling.

This would likely result in a further spread of the principal dwelling's footprint to extend further to the rear and still easily achieve the 6500 required setback.

The proposal should not be approved with such a non-complying secondary dwelling setback to the rear boundary when other design options are easily achievable.

Approval of non-complying applications like this result in poor planning outcomes for all including intended residents on the site and surrounding neighbours both current and future.

#### 8) On Site Car Parking Spaces

I object that the proposal does not satisfy Pittwater 21 DCP clause B6.3 in that 3 onsite car parking spaces are required and none are proposed or indicated.

*For a Secondary Dwelling a minimum of 1 space is required in addition to existing requirement for the principal dwelling (based on number of bedrooms in principal dwelling).*

Three on site car spaces are required. There is also no enclosed garaging provided for either dwelling which is a poor outcome.



9) Schedule of Colour Finishes

The colour schedule from the application is included below.

**Schedule of Finishes**

40 Maxwell St, Mona Vale NSW 2103

Jake and Rebecca Wicks

Addition to existing dwelling and new dwelling

**External Wall Covering**

Fibre Cement Cladding – Skylon Linear

Colour – Taupe Stone (Taubmans A29)

**Roof Covering**

Colourbond metal sheet roof

Colour – Colourbond Woodland Grey EB BC14

**Gutters**

Colour – Colourbond Woodland Grey EB BC14

**Fascia**

Colour – Taubmans Whitehouse A64

**Windows, Doors, Flyscreens, Trims**

Colour – Taubmans Whitehouse A64

I object to the color schedule provided, names of colours only indicated, no colour samples given.

A search of the proposed colour names results in colours that do not comply with Pittwater 21 DCP clause D9.3.



**PAINT** COLOUR DETAILS**TAUPE STONE****PAINT** COLOUR DETAILS**WHITEHOUSE**

Included below is the Pittwater 21 DCP colour schedule.

## Controls

External colours and materials shall be dark and earthy tones as shown below:



Black ✓



Dark grey ✓



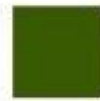
Dark green ✓



Dark brown ✓



Mid grey ✓



Green ✓



Brown ✓



Dark blue ✓

White, light coloured, red or orange roofs and walls are not permitted:



White ✗



Light blue ✗



Red ✗



Orange ✗



Light grey ✗



Beige ✗

## 10) Conclusion

The development application must not be approved in its current form and either needs to be withdrawn or substantial changes made to address concerns raised in this submission.

Thank you

Kim Wilkinson