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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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**To:** DA Submission Mailbox  
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07/08/2022

MRS Deborah Denman  
8 Urara RD  
Avalon Beach NSW 2107

**RE: Mod2022/0397 - 29 North Avalon Road AVALON BEACH NSW 2107**

The developer proposes 'minor' additions to all buildings facing to the rear neighbours aimed at improving amenity for the inhabitants of the units and does not make any consideration for the amenity of neighbours who have to face this from the rear.

Already this development exceeds the bulk and scale of permissible development in this neighbourhood. If an application were made today, for the existing approval under the current SEPP55 rules, it would not be granted as the regulations changed only a few weeks after this monstrosity was approved. New controls recognise the highly inappropriate nature of medium density development in this locale.

Contrary to the developer's claim, we disagree that this modification is substantially the same. For those neighbours who face the rear of this over-development, the proposed changes bring this medium density apartment block closer to our boundaries. The visual impact of increasing the scale of these buildings at the rear is unacceptable at best. It is also a cynical attempt to increase the density of development by stealth.

If - as the developer claims - these proposals do not result in 'any significant or non-complying impact to amenity of adjoining properties' then why was this not part of the original application? We suspect that was because the developer knew they were already pushing the boundaries of achievable approval. Clearly they believed in their ability to incrementally increase the scale once the community was no longer looking..

The developer's claim that 'the amended development remains consistent with the aims and objectives of the relevant environmental planning instruments and development control plan, whilst remaining compatible with the character of the locality' is false.

This community spoke loudly to the LEC and told the Commissioner that the original development was out of character and not in the interests of the community. If this development had been acceptable within the local DCP, it would not have gone to the LEC for an approval in the first place. The local planning controls do not permit medium density development, let alone, further expansion. And the current Housing SEPP does not permit this development in this location at all either.

We call on the Land & Environment Court to put a stop to this development by stealth.

Deborah and Gary Denman