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**Sent:** 24/08/2021 3:53:19 PM  
**Subject:** 8 Delecta Avenue, Clareville DA2021/1032  
**Attachments:** 8 Delecta Ave, Clareville objection letter #2.pdf; Architect's report 21\_08\_23 B submission copy.pages.pdf;

Dear Sir/Madam

Please see the attached letter in connection with the proposed development at 8 Delecta Avenue, Clareville (DA2021/1032), Lot 20 DP 13291.

Also attached is a report from a local architect jointly commissioned by the owners of #1, #6 and #10 Delecta Avenue that assesses the proposed development.

Regards

Richard Barker  
Mob: +61 419 251692

24 August 2021

Mr Thomas Prosser  
Planner  
Northern Beaches Council  
PO Box 82  
Manly NSW 1655

**Via email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)**

Dear Mr Prosser

**DA2021/1032, Lot 20 DP 13291 - 8 Delecta Avenue, Clareville  
Alterations and additions**

We refer to our previous letter dated 10 August 2021 in which we outlined a number of serious concerns with the proposed development at the above address. Our initial concerns centred around the following key aspects of the proposed development and its design:

1. **Bulk and scale** – that the scale of the proposed development is out of proportion with other homes in the immediate vicinity, particularly given the small size of the block of land, and is therefore inconsistent with homes in this beachside community;
2. **Landscape ratio** – the substantial decrease in open space and potential landscape area as a consequence of the proposed development is not desirable and is contrary to Council's DCP landscape objectives;
3. **Tree destruction** – the removal of a mature, healthy native tree (*Melaleuca*) is completely unnecessary and is contradictory to recent requirements of Council imposed on the owners of #6 Delecta Avenue requiring them to protect this particular tree during the building of their home;
4. **Access on common driveway** – during construction our narrow, short shared driveway will be blocked by tradesmen's vehicles and large delivery trucks, which is likely to persist for an extended period. Access to our home and garage will be significantly impeded. As part of the development, a new driveway for #8 should be constructed with direct access to Delecta Avenue to obviate this problem.

Given these significant flaws in the design and proposal, our initial evaluation was that the proposed development should be substantially reduced in scale and bulk and pulled back from the subject *Melaleuca* tree.

Since the submission of our previous letter, we have received a detailed report from a local architect, Mr David Tory, who was jointly commissioned by ourselves and our neighbours at #1 and #6 Delecta Avenue. His independent assessment report is enclosed with this letter and confirms the very serious

issues with the proposed development that we had previously identified. In fact, in his report (Architect's Report) he not only confirms our previous concerns but also outlines numerous potential breaches of Council's DCP and considerable adverse impacts to local residents' amenity if the proposed development were to proceed in its current form. A summary of the key adverse consequences of the proposed development as set out in the Architect's Report, together with our comments, are as follows:

1. **Proposed plan contravenes regulations** – the proposal contravenes the Landscape Area control of the DCP and does not satisfy the required outcomes of that part of the DCP. The proposed wheel strip vehicular access (driveway) also does not follow the provisions of the DCP.
2. **Miscalculation of Landscape Area** - the DA miscalculates the Landscape Area by erroneously including the area of the roof garden and also taking into account the wheel strips in the calculation of Landscape Area.

To illustrate the significance of these issues, a comparison of what the Landscape Area would be under the DA if the calculations were correct with the existing position is warranted (refer to page 7 of the Architect's Report):

|                                     | Existing site | Proposed development |
|-------------------------------------|---------------|----------------------|
| Site area                           | 632.3sqm      | 632.3sqm             |
| Hard surface area (sqm)             | 314.7sqm      | 380.6sqm             |
| Hard surface area (%)               | 49.8%         | 60.2%                |
| Increase in hard surface area (sqm) | -             | 65.9sqm              |
| Increase in hard surface area (%)   | -             | 20.9%                |
| Landscape area (sqm)                | 317.6sqm      | 251.7sqm             |
| Landscape area (%)                  | 50.2%         | 39.8%                |
| Decrease in landscape area (sqm)    | -             | 65.9sqm              |
| Decrease in landscape area (%)      | -             | 20.8%                |

Given that the DCP stipulates that any alterations or additions to an existing dwelling on land zoned E4 Environmental Living *"shall provide a minimum of 60% of the site area as landscaped area"*, the proposed development is way outside of this control – it would result in a landscape area of <40%.

This dramatic increase in hard surface area and reduction in open space is also evident when a side by side comparison of the existing site coverage is made with the proposed development's site coverage – this is shown in the Architect's Report at pages 19 & 20, and is repeated in this letter in the Appendix. Again, the significant reduction in open space is apparent as is the increase in bulk and scale.

3. **Proposed building is excessive** – these contraventions result in a proposed building which is excessive in its site coverage. The Architect's Report demonstrates the excessive nature of the proposed development at page 8, where a model of the existing house is compared to a model of the proposed site development. If the numbers in the table above showing the increase in hard surface area are not convincing enough, then the before and after models demonstrate the significant increase in bulk and scale of the proposed development and the substantial increase in site coverage at the expense of open space.

4. **Out of scale and character** – these contraventions result in potential building impacts which are out of scale and character with existing adjacent dwellings, particularly when viewed from Delecta Avenue and also from the perspective of the residents at #6. The scale of the proposed development when viewed from #6 is massive, with an unacceptable impact on their amenity.
5. **Problematic vehicular access provisions** – use of the shared driveway across the road reserve during the extended construction period will be problematic for us as owners of #10. Notwithstanding the Council Engineer's report that states that the shared driveway is concrete, it is not – it is bitumen. In our view, there is a strong likelihood that it will be severely damaged during the construction period from the many large trucks that will need to access the development site. Together with the congestion that will occur on the shared driveway, and the probable persistent lack of access to our garage and house, it is strongly felt that the proposal should include a separate driveway access from Delecta Avenue to the site at #8.
6. **Unnecessary tree removal** – the DA seeks the removal of a healthy mature Melaleuca. This tree is the largest canopy tree on-site and forms part of a group of Melaleucas. An independent arborist's report (attached to the Architect's Report as Appendix 2) has determined that this tree is of High Retention Value and High Significance. Indeed, not that long ago, Council insisted that when the house at #6 was being built, that the tree be protected. How is it that this determination can change in such a short period of time? A re-design of the proposed new house at #8 would obviate the suggestion of this tree's unnecessary removal.
7. **Omission of information** – elevations of the altered north-west and south-east facades are not included in the DA drawings. Given that the façade on the north-west fronts Clareville Reserve, it is imperative that these elevations be provided so that they can be considered.

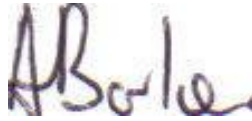
On the issue of traffic congestion, which was raised in our previous letter, it is apparent that a traffic management system would need to be implemented, and adhered to, in Delecta Avenue during the construction period. Given the narrowness of the street, the limited access from the south for large vehicles, the limited parking available near to the subject site and the likely large volume of trucks and trades vehicles, this is a must. A pertinent example of the sort of traffic congestion that is expected can be seen in Hudson Parade, outside the development at #52 (also a Rama Architects development) – for the past 2 years this stretch of road has been difficult to traverse, being limited to one lane during the day due to all the trades vehicles parked on both sides of the road (some often illegally), with enormous difficulty for buses to navigate. Hudson Parade is considerably wider than Delecta Avenue, hence our concern.

As a consequence of the above issues, the development cannot proceed as proposed. It does not satisfy Council's key controls around bulk and scale and landscape ratio, and unnecessarily stipulates the removal of a healthy native tree on a site with few existing trees. Accordingly, the development proposal should be rejected and re-considered, reduced substantially in scale, and made to comply with Council's controls and other guidelines. Otherwise, what is the point of having these controls if they are not adhered to and policed or are implemented inconsistently? To selectively ignore such controls sets an undesirable precedent that opens the door to many more non-compliant developments.

The Architect's Report sets out in much more detail the compelling reasons why the proposed development does not comply and should not be approved. It is recommended that the report be read in full.

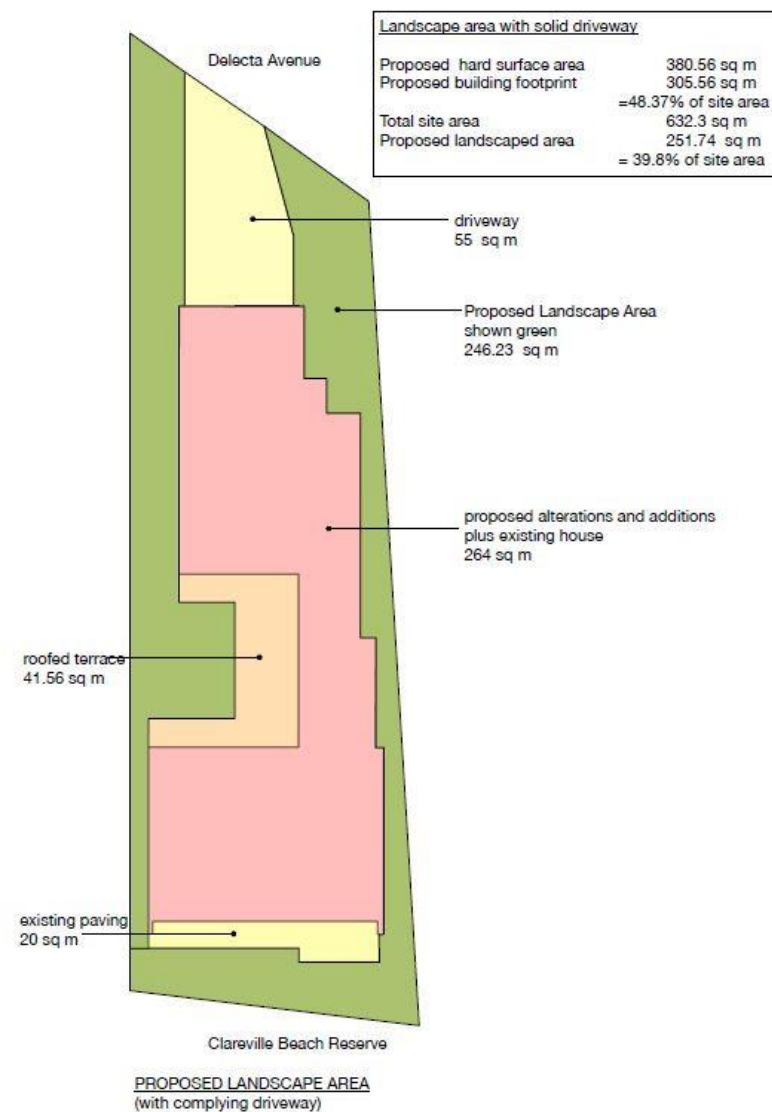
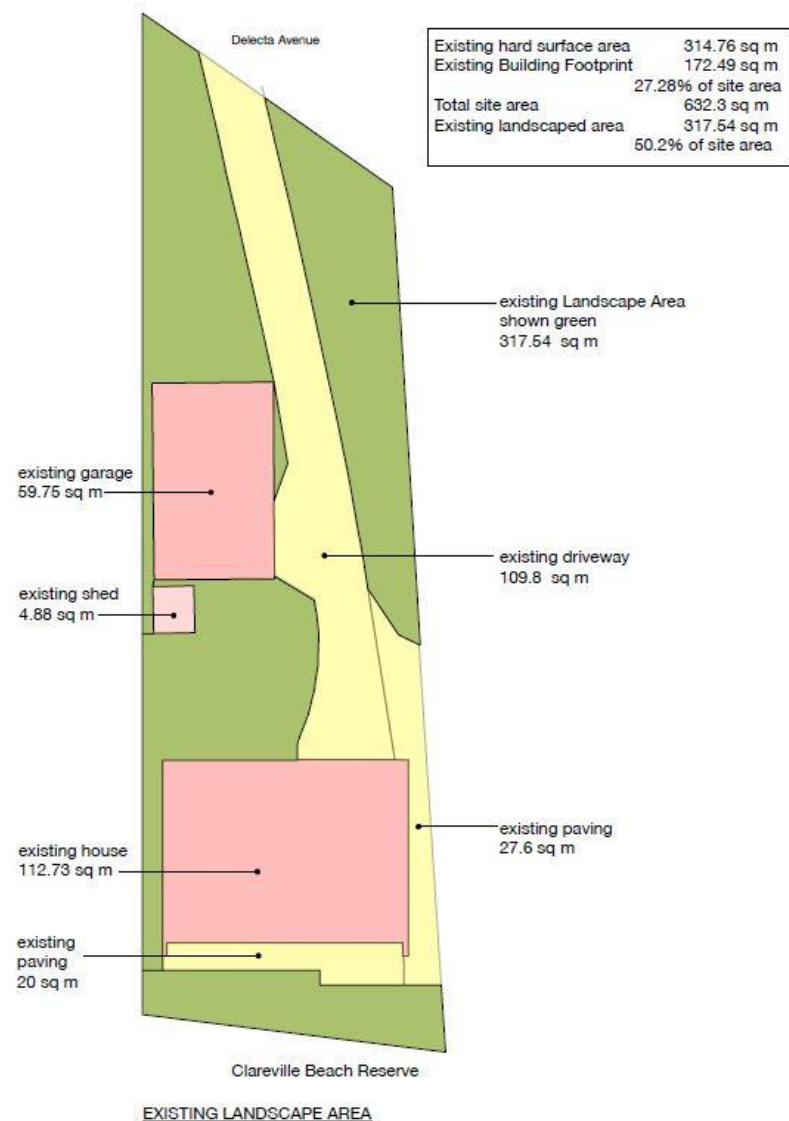
We would be happy to meet with you to further elaborate on our concerns in person if required.

Yours sincerely

Handwritten signature of Richard Barker in black ink.Handwritten signature of Anne Barker in purple ink.

Richard & Anne Barker

APPENDIX – Extract form Architect's Report, pages 19 & 20



24th August 2021

Northern Beaches Council  
P.O. Box 82  
Manly, NSW, 1655

email: council@northernbeaches.nsw.gov.au

**Attn: Mr Thomas Prosser**

**OBJECTION TO DEVELOPMENT APPLICATION DA2021/1032**

Alterations and Additions to a dwelling House  
at Lot 20 in DP 13291  
8 Delecta Avenue  
Clareville NSW 2107

This submission has been prepared for and on behalf of

Bruce and Judith Mackay  
6 Delecta Avenue  
Clareville NSW 2107

Richard and Anne Barker  
10 Delecta Avenue  
Clareville NSW 2107

Greg and Sheonagh Coops  
1 Delecta Avenue  
Clareville NSW 2107

Collectively, the Respondents

by

David Tory Architect  
BScArch. B Arch. A.A.I.A.  
Architect NSW ARB 5547

M. 0416 017 127  
E. david@davidtoryarchitect.com

**A: SUMMARY:**

The Respondent's concerns are summarised as follows:

1. The proposal contravenes the "Landscape Area" control of the DCP, and does not satisfy the required outcomes of that part.
2. The DA mistakenly includes the area of a roof garden as part of "Landscape Area", and takes into account wheel strips in lieu of a complying driveway.
3. The contravention results in a proposed building which is excessive in its site coverage, resulting in the unnecessary and avoidable proposal to remove a significant canopy tree.
4. The contravention results in potential building elements which are out of scale and character with existing adjacent dwellings. Most particularly, this impact will be felt by the owners of No. 6 Delecta Avenue.
5. Use of the shared vehicular access way across the road reserve during construction will prove problematic to the neighbouring properties, and most particularly to the owners of No. 10 Delecta Avenue. It is felt that the proposal should include a separate driveway access from Delecta Avenue to the site.
6. Elevations of the altered NW and SE facades of the existing house are not included in the DA drawings. This absence of information denies assessment of these elements of the proposed works, and leaves their design open to future development without public scrutiny.

In conclusion, the Respondents are strongly opposed to the proposed development in its current form, as it does not comply with certain numerical and qualitative aspects of Council's Controls, and does not accord with the amenity and qualities of the neighbourhood.

**The Respondents request that Council refuses it in its current form, and that it should be reconfigured in a way that complies with the numerical controls and qualitative outcomes of the LEP and the DCP, and where the tree that is proposed to be removed, is retained.**



**B: STATUTORY CONTROLS:**

Pittwater Local Environmental Plan 2014, and Pittwater 21 Development Control Plan and Appendices, apply to this land.

These are referred to as the LEP and the DCP in the following report.

**B1: Aims and objectives of Pittwater Local Environmental Plan 2014:**

Clause 1.2 of the LEP includes the following:

*“(b) to ensure development is consistent with the desired character of Pittwater’s localities,  
(g) to protect and enhance Pittwater’s natural environment and recreation areas.”*

The site is zoned E4 “Environmental Living” as stated in the Land Use Table, Part 2 of the LEP.  
The aims of the Zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To provide for residential development of a low density and scale integrated with the landform and landscape.

**B2: Pittwater 21 Development Control Plan**

Extracts from Clause A3.1 of the DCP “The Characteristics of Pittwater” state the following:

*“Pittwater is characterised by spectacular natural beauty”.*

*“Urbanisation continues to impact on natural areas, and therefore, careful consideration needs to be given when developing land,....., endangered vegetation communities .....and a wide range of biodiversity that needs to be protected and maintained.”*

Clause A3.4 of the DCP, “Key objectives of the Pittwater 21 Development Control Plan” states that  
“The environmental objectives of this DCP .....(include)

(to).....prescribe limits to urban development having regard to the potential impacts of development on the natural environment, .....”

**C: CLAREVILLE BEACH AND DELECTA AVENUE:**

The aims and objectives of the LEP and the DCP are focused upon the maintenance of the character of the unique individual environments of Pittwater, in this case Clareville Beach and Delecta Avenue: to protect and enhance the natural environment, and respect and enhance it's natural beauty; and control the bulk and scale of development.

The row of houses between Delecta Avenue and the Clareville Beach Reserve are on relatively small plots of land. There is strong pressure to over-develop these beautiful and valuable level sites.

The sites and the reserve have a casual, family oriented, intimate relationship with Pittwater residents, and Sydney-siders generally. The Beach and the reserve have great commodity as a place of recreation and relaxation.

The curving narrow "lane-like" Delecta Avenue and the houses that line it constitute a unique streetscape.

The houses reflect the qualities of the Beach and the Reserve. Delecta Avenue is heavily utilised in summer, on weekends, and on days of celebration, and pressure is placed upon it in terms of congestion and parking.

The control of bulk and scale of the houses along Delecta Avenue and the Reserve is fundamentally important in the maintenance of the unique character of this precinct.

**D: LANDSCAPED AREA:**

**D1: Landscaped Area Generally:**

The Landscape Area Control is a critical factor in the equation of controlling bulk and scale on this flat site within the E4 zone.

The 8.5 metre height limit of the DCP is generous, and the building envelope allows for a substantial building form to be achieved within the planes of the envelope.

However, the Landscape Area Control is the sole determinant of the extent of the building footprint on the site. It operates in the absence of a Floor Space Ratio control, (as is in place for example in the Manly DCP where it is a good control for Bulk and Scale on sites of similar size and density).

Control of Bulk and Scale is in turn a critical mechanism for maintenance of existing character and protection of the natural environment.

In the subject DA the Applicants are applying for a roof garden on top of part of the building with a big footprint, and a large bulk and scale. The DA assumes that the roof garden will be counted as Landscape Area.

The DA is applying for wheel strips to be implemented as a driveway, reducing the area of the driveway resulting in a significant increase in the Landscape Area.

**These design elements are circumventing the purpose of the Landscape Area calculation as a control of bulk and scale.**

Part D1.14 of the DCP "Landscaped Area - Environmentally Sensitive land" applies to this site, which is located within area 1 of the Pittwater landscaped Area Map.

The DCP Outcomes of this section include the following:

Desired Outcomes

Achievement of Outcome in DA

*The bulk and scale of the built form is minimised.*

*Not achieved*

*Vegetation is retained and enhanced to visually reduce the built form.*

*Not achieved*

*Conservation of natural vegetation and biodiversity.*

*Not achieved*

## **D2: Definition of Landscaped Area**

The LEP dictionary defines “Landscape Area” as:

“a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”.

In this regard a “site” is taken to be a portion of land or ground upon which a building is to be placed.

**There is no provision within the DCP in relation to this land zoning which allows for roof gardens to be included within the calculation of Landscape Area. This has been confirmed by consultation with Council’s town planning staff.**

## **D3: Landscape Area Controls of Part D1.14 of the DCP**

Part D1.14, of this Control states:

***“Any alterations or additions to an existing dwelling on land zoned .....E4 Environmental Living, shall provide a minimum 60% of the site area as landscaped area”.***

Part D1.14 allows for the following variations in the calculation of “Landscape Area” provided the outcomes of this Control are achieved. The following may be permitted on the landscaped proportion of the site:

- Impervious areas less than 1 metre in width (e.g. pathways and the like);
- for single dwellings on land zoned .....E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways and uncovered decks no higher than 1 metre above ground level (existing)).

The Respondents believe that in this instance the outcomes of the Control are being disregarded, and would not be achieved by construction of the subject DA, hence these variations to the Landscape Area Control should not apply to the proposed development.

## **D4: Revised Landscaped Area Calculations:**

Table 1 shows the Landscape Area calculations for the existing site, and the proposed alterations and additions for this report, in the form required by Clause D1.15 of the DCP. (See also Appendix 1). These are compared with the Landscape Area figures stated in the DA (page 11).

The Landscape Area calculations for this report do not include the proposed roof garden as Landscaped Area, as this is not a provision of the DCP as mentioned in D2 above. The calculations in this report include the area of a full driveway in lieu of the wheel strips for the reasons mentioned later in Part E.

|                              | Landscape Area Calculations in this report |                      | Landscape Area Calculations in the DA |                      |
|------------------------------|--|----------------------|---------------------------------------|----------------------|
|                              | Existing Site                              | Proposed Development | Existing Site                         | Proposed Development |
| Site Area                    | 632.3 sq m                                 | 632.3 sq m           | 632.3 sq m                            | 632.3 sq m           |
| Hard Surface Area            | 314.76 sq m                                | 380.56 sq m          | 334.60 sq m                           | 300.10 sq m          |
| Hard Surface Area Percentage | 49.8%                                      | 60.2%                |                                       |                      |
| Landscape Area               | 317.54 sq m                                | 251.74 sq m          | 297.70 sq m                           | 332.20 sq m          |
| Landscape Area Percentage    | 50.2%                                      | 39.80%               | 47.08%                                | 52.54%               |

Table 1: Comparison of Landscape Area calculations stated in this report, with those stated in the DA.

.The numerical figures stated for this report have been calculated from figured dimensions shown on the DA drawings and the site survey, and are independent of the areas quoted on the drawings and in the S.E.E.

The landscaped area in the DA includes the area of roof garden and the wheel strips instead of a solid driveway. The inclusion of these two elements increases the bulk and scale of the proposal. The roof garden is built on top of the building which has a lot of bulk and scale, on the spurious pretext that it reduces the bulk and scale.

The comparison in the DA between the existing and the proposed development is misleading and specious. This is graphically shown in the following two images.

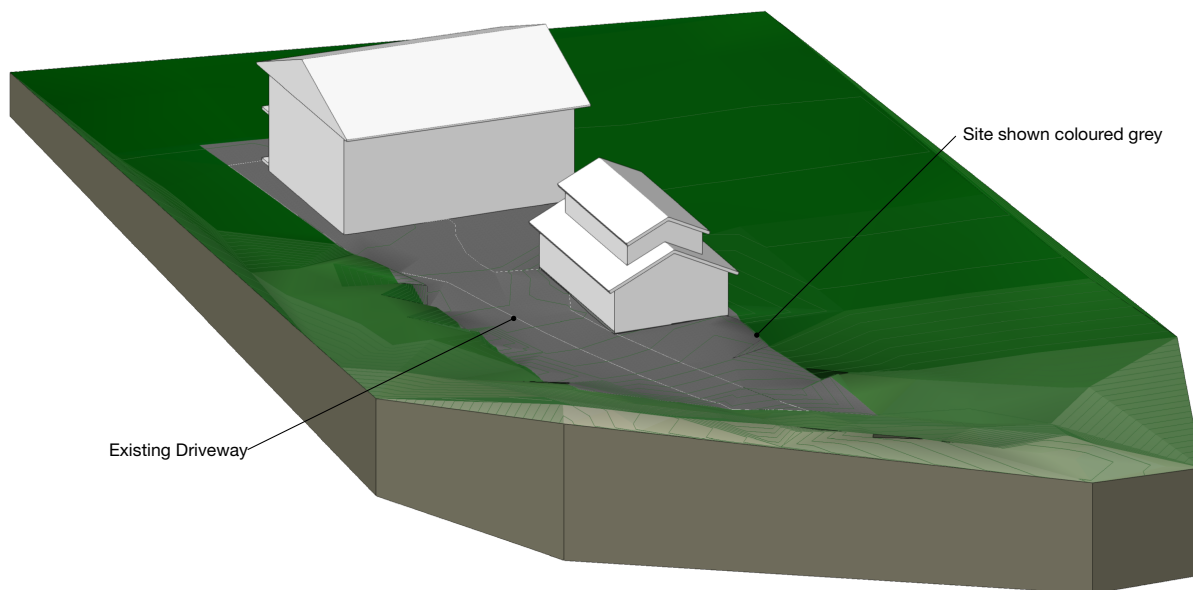


Image A: Model of Proposed Site Development

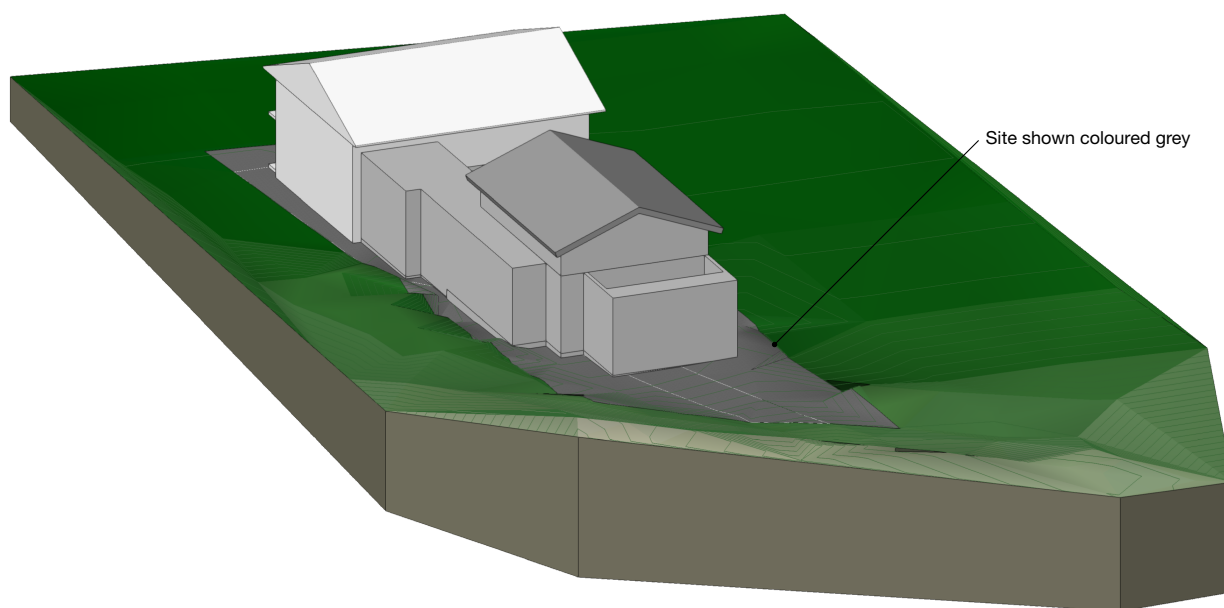


Image A: Model of Proposed Site Development

According to the DA calculations expressed in table 1, Image A has a landscaped area of 47.08% of the whereas image B has a landscaped area of 52.5% of the site.

Where Landscape Area is a control of Bulk and Scale the figures mentioned in the DA are specious and misleading.

It is clear that Image A has a large area of open space around the buildings, the buildings are of low bulk and scale, and there is the potential for much green landscaping. Image B, on the other hand, has a small amount of open space around a building with a high level of bulk and scale, with a limited opportunity for green landscaping.

Yet the DA states that Image B has more Landscape Area, and consequently less bulk and scale, than Image A. Clearly that is not actually correct.

The Respondents object to the inclusion of the roof garden in the Landscape Area, and to the implementation of wheel strips in the landscape Area equation, and believe that the proposal should conform to Part D1.14, of the DCP, and require the development to provide a minimum 60% of the site area as landscaped area.

**E: INTERNAL DRIVEWAY:**

The DA proposes wheel strips in lieu of a driveway to convey cars from the shared access way on the road reserve adjacent to Delecta Avenue to the proposed garage.

Drawing No. DA 801: "Driveway Comparison", indicates that this measure is proposed as a means of increasing the Landscaped Area of the site, not for functional reasons.

The Respondent's objection to the wheel strip design is that it manipulates Landscape Area to argue for larger bulk and scale of building.

The Respondents also comment that in order for cars to adequately turn onto the wheel strips and be in alignment with those strips before driving onto them and thus to not cross the intermediate grass, the shared access way would need to be widened and extended to occupy more of the road reserve adjacent to the South Eastern site boundary. This extension would involve partial excavation on the road reserve, retention of the ground, and increased hard surface. These measures have not been considered or indicated on the DA drawings.

The difficulties in turning onto the wheel strips, and also reversing off them, and the extra driving surface required on the access way, would be obviated by the construction of a separate new driveway from Delecta Avenue to the site.

Clause B6.2 of the DCP applies to internal driveways on this land. The outcome of this Control is to provide safe and convenient access.

This Control stipulates that an internal driveway must be provided for any alteration and addition where the sum of the additional Gross Floor Area (GFA) of the dwelling exceeds 30 sq metres, which is so in this case.

The DCP states that internal driveways shall have a stable surface for all weather construction. and that the internal driveway shall be contained within the driveway corridor. The minimum width of the driveway corridor (i.e. impervious pavements together with grassed shoulder area) shall be 3.0 metres minimum for single dwellings.

This Control implies that the driveway corridor may have grassed shoulders, and a stable surface between the shoulders.

As a general indication of functional driveway design, AS/NZS 2890. 1. 2004 Parking Facilities states in Clause 2.6.1 Design of Domestic Driveways, "The minimum width of of Domestic Driveways shall be 3.00m".

**F: DRIVEWAY ACROSS ROAD RESERVE:**

The existing shared access way across the Council's road reserve will result in congestion and stress upon the owners of No. 10 Delecta Avenue during construction, and upon the access way itself. The shared access way is constructed of **bitumen paving**, which is showing signs of wear. It is wholly on Council land.

This access way is located below the level of Delecta Avenue in a section of this Avenue where there is very limited street parking. It is in close proximity to the steep, narrow, and sharp change in direction in Delecta Avenue where commonly car drivers experience difficulty in passing other vehicles, or being able to make the incline without spinning their wheels, and for underpowered vehicles making the incline in one continuous pass.

There is no parking space on the side of Delecta adjacent to the site, and one tenuous spot on the opposite side adjacent to No. 1 Delecta Avenue.

Construction vehicles will include excavators, bogie tipper trucks, concrete mixers, concrete pumps, cranes (possibly), supply trucks for masonry, timber and sheet products with hyab cranes and/or fork lifts. These large heavy vehicles will use the bitumen shared access way. Due to the physical constraints of Delecta Avenue trucks will drive onto the access way from a Northerly direction, and they will most probably back out across the road reserve.

The road reserve is narrow, curving, and has well established and tended soft and hard garden elements on either side of it.

The construction and strength of the bitumen Access Way is unknown, and may not be able to cope with these loads imposed upon it by such traffic.

Tradesmen's vehicles will also most probably use the access way and park on or adjacent to the site, and on the road reserve below Delecta Avenue.

In light of these anticipated difficulties and potential conflicts the Respondents strongly believe that the DA should include a separate complying driveway from Delecta Avenue to the site.



**G: ROOF GARDEN:**

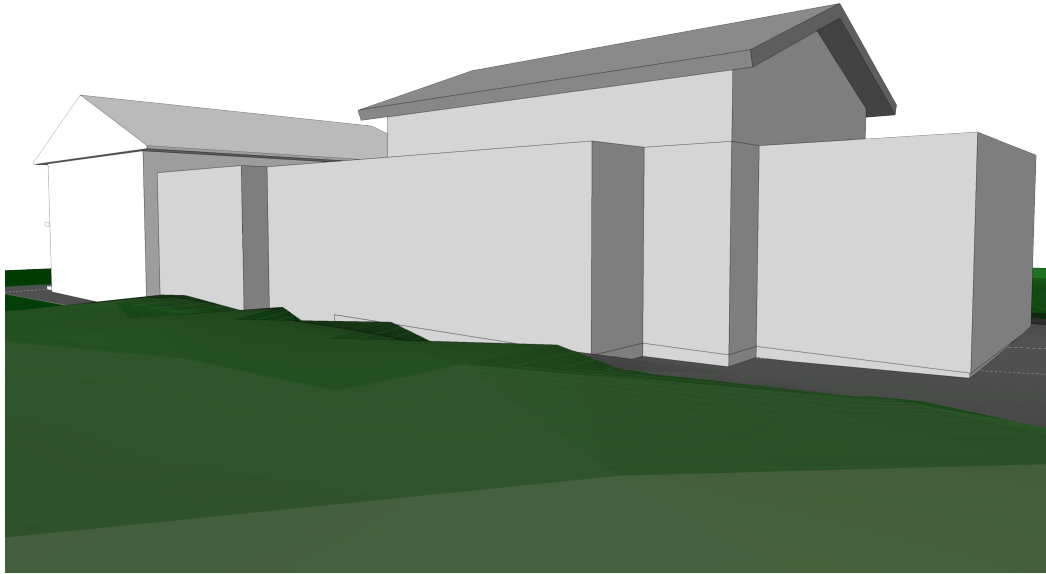
The single story brick and concrete green roof structure has an average height of 4.5 metres above natural ground level. This results from a 3.2 metre ceiling height (to part), and a 1 metre soil depth above. It is proposed to be built on the south western side of the alterations and additions, close and adjacent to the shared boundary with the house at No 6 Delecta Avenue.

The western end of the green roof joins to the eastern wall of the existing house on the site, and extends south east to the proposed front door. Here it joins the south western brick wall of the proposed garage which has the same height. The resulting combined new and existing brick wall is approximately 34 metres long.

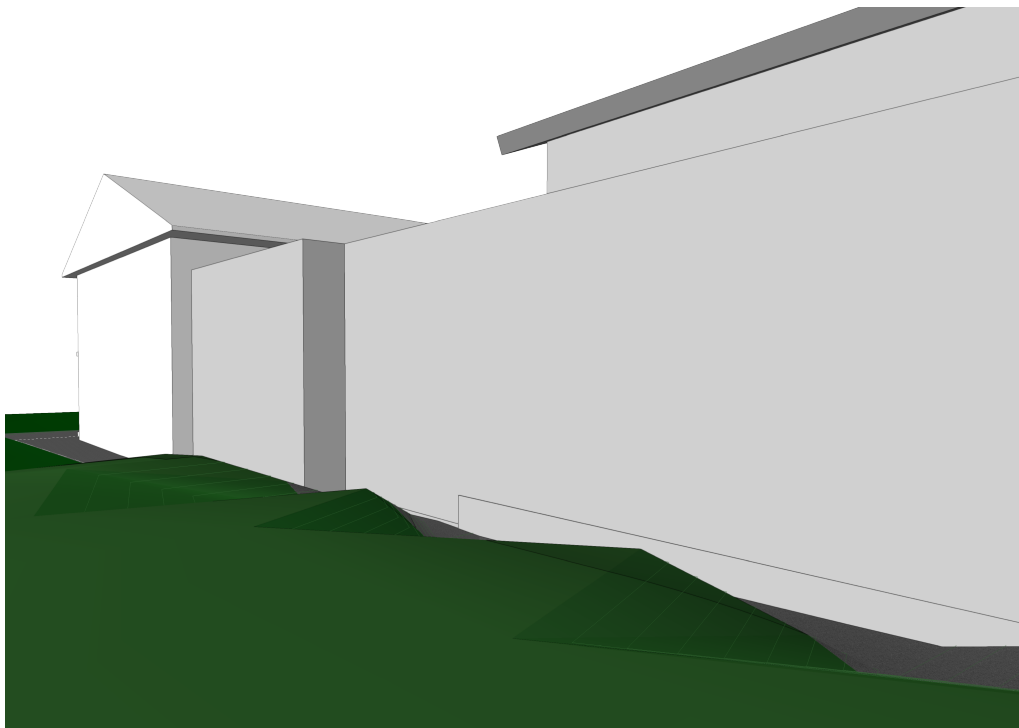
The Respondents believe the length and height of this brick expanse is out of scale with the house at No. 6 Delecta Avenue. This neighbouring house has been designed in the following manner:

- It is well modulated in its height and has generous stepping offset distances from the boundary.
- The roofs respectfully slope back away from the boundary.
- The owners and Architect worked hard to maintain a group of trees adjacent to the shared site boundary.

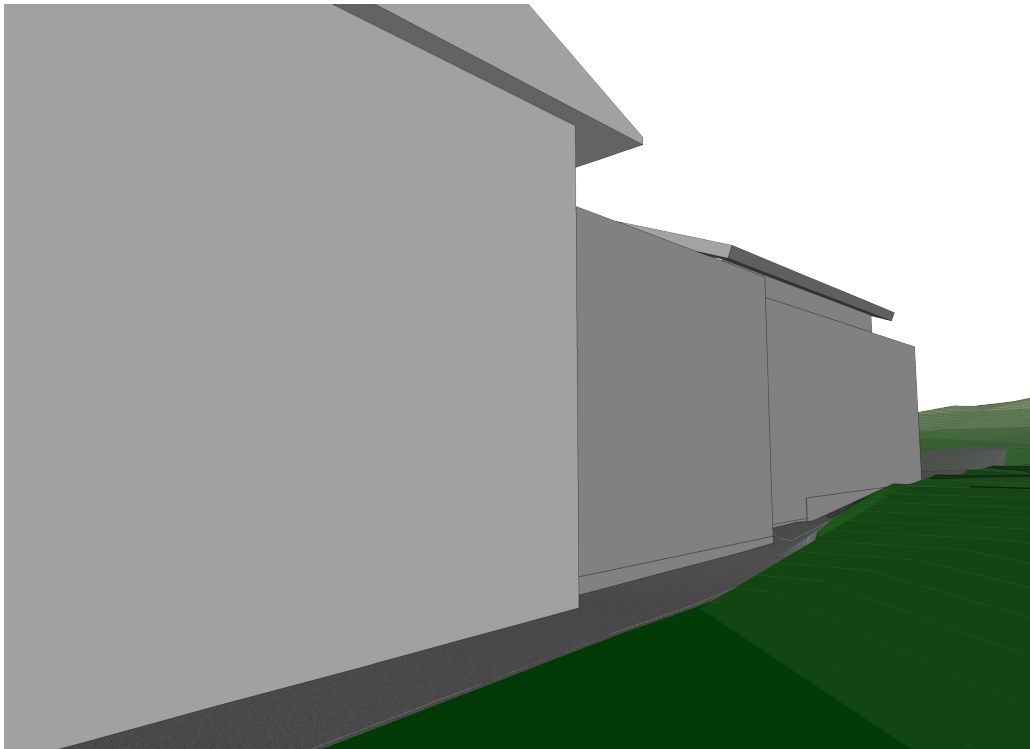
In comparison, the length and height of the south western wall of the proposal is a relatively massive proposed structure. It does not acknowledge the good neighbourliness of the house at No. 6, or pay heed to the maintenance of the canopy tree which the owner's of No. 6 Delecta Avenue worked hard to preserve.



OVERALL VIEW OF SW WALL OF PROPOSED HOUSE



PARTIAL VIEW OF SW WALL OF PROPOSED HOUSE (VIEWED FROM SOUTH)



PARTIAL VIEW OF SW WALL OF PROPOSED HOUSE (VIEWED FROM NORTH WEST)

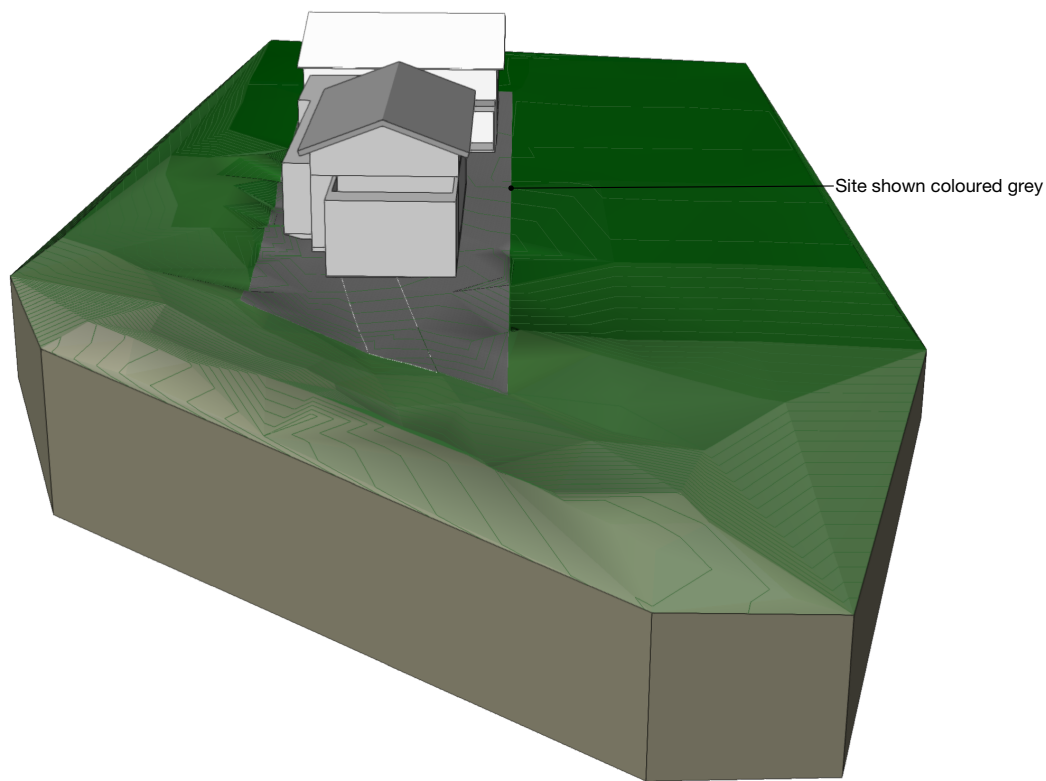
The Respondents do not understand why this building element is so massive, out of scale, and out of context with its surroundings.

Firstly, they believe that the green roof would have little to no effect on the modulation of the internal thermal environment of the habitable parts of the house as it is located over a hallway, a powder room, a laundry, and a watercraft storage room only, not over any habitable rooms.

Secondly, they cannot understand why it has a 1 metre soil depth, as Drawing DA-500 "Landscape Plan" states that the ground cover plant *Carpobrotus* (Pigface) will be planted on this roof. Pigface would grow in much shallower soil depth. Accordingly, the high parapet walling on both sides of the planting bed creates unnecessary bulk and scale.

Thirdly, green roofs are often implemented to soften the appearance and scale of buildings when viewed from above or from the side, by the presence of foliage and trailing vines and the like. In this instance there are only two houses that could potentially view the green roof, those at No 1 and No 2 Delecta Avenue. The proposal cannot be seen from the house at No 2 Delecta Avenue. The view of the proposal from the balcony of No. 1 Delecta Avenue is a small slither of the proposed green roof due to the angle of the view. See the following sketch.

As the proposed foliage is pig face the vegetation will not be visually prominent when view from the side of the building.



View of the proposed house from the balcony of No. 1 Delecta Avenue.

The Respondents believe that the bulk and scale of the green roof structure is unnecessary and that it could be replaced with a lower, lighter weight structure with metal roof, located further away from the boundary, with more varied modulation to its edge and fenestration, and a marked reduction in bulk and scale. This structure could be located further away from the Melaleuca , with a lighter floor structure and footing system that would allow the tree to remain. A lower structure would also allow the branches of the tree to remain in place.

**H: ABSENCE OF ELEVATIONS OF ALTERATIONS AND ADDITIONS TO EXISTING HOUSE:**

The Respondents object to the absence of drawings regarding the proposed alterations and additions to the north west and south east elevations of the existing house.

The Ground floor General Arrangement Plan (DA-100), and the First Floor General Arrangement Plan (DA-101), show that the openings and fenestration in the above mentioned walls are proposed to be altered.

The alterations to openings in these facades and the proposed fenestration, and all other detailing, such as balustrading are not shown.

As this development fronts onto an important public reserve within a sensitive and beautiful environment, the resolution of facade treatments should be well considered and illustrated in the DA documents.

In the absence of this information in a development application, the owner and designer of the development are be provided with a free hand during the construction certificate stage without public consultation, and then into construction.

**I: TREE PROTECTION:**

The Development Application seeks removal of a mature Melaleuca Quinquenervia. This healthy specimen is the largest canopy tree on the site and is important for it's landscape quality and as a habitat tree. Two other Melaleuca Quinquenervia grow adjacent to the north eastern boundary, close to the fence at 10 Delecta Avenue, (one of these is a large and mature tree). These form a grouping of Melaleucas which provide a canopy for the site.

They are appropriately sited native trees established within this flood prone area where the water table is likely to be high. Melaleucas typically grow in estuarine plains and seasonal swamps in the coastal and near-coastal areas and in narrow strips beside streams.

During the construction of the new house at No 6 Delecta, the Owners of that property were required by Council to implement measures to ensure the retention of this tree.

Ironically, this tree which is part of an important landscape buffer between No. 6 and No. 8 Delecta Avenue, is proposed to be removed to make way for a building with unreasonably large bulk and scale that will be intrusive to the owners of No. 6 Delecta Avenue.

The tree is listed in the S.E.E. as High Retention Value and High Significance.

The Development Application seeks removal of this tree for the reason that during the process of building design the existing tree has not been respected and considered carefully enough as a healthy living organism. The Respondents consider that the retention of this tree on the site is of vital important.

In reality there are many ways in which the building could be designed or modified in a way that the tree can continue to flourish.

This outcome would be to the benefit of the owners of No. 8 Delecta Avenue, and the neighbours.

The removal of this tree conflicts with the claims made in the Statement of Environmental Effects page 21 - "The proposal will not have any impact on the existing tree canopy".

The objectives of the DCP section A4.1 Avalon Beach Locality are not complied with; specifically, "Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses."

The tree is the subject of an independent letter prepared by a Grade 8 Arborist on behalf of the Respondents, which is included as Appendix 2.

The Respondents strongly object to the removal of this tree, and request that the design of the addition be amended to allow for its retention. The Respondents strongly believe that Council should require the owners of No. 8 Delecta Avenue to employ an Arborist to carry out exploratory excavation or root mapping and demonstrate how the tree can be retained, and then to design the addition accordingly.

**J: VIEW LOSS:**

The residents at No. 1 Delecta Avenue will experience a change in appearance in the view down onto the site of 8 Delecta Avenue from an open yard adorned by a canopy of Melaleuca to a densely arranged building form with half of the Melaleuca canopy destroyed. The un-necessary view loss of the tree canopy should be avoided.

**K: CONCLUSION:**

The Respondent's concerns stated in Part A are strongly re-iterated.

They request the following:

That the proposal is re-visited and re-submitted in a form where the Landscape Area is 60% of the site area, measured in accordance with the provisions of the DCP, without a roof garden being counted as Landscape Area, and with a complying driveway included in the design calculations.

That the design is re-configured to allow for the retention of the mature Melaleuca Quinquenervia.

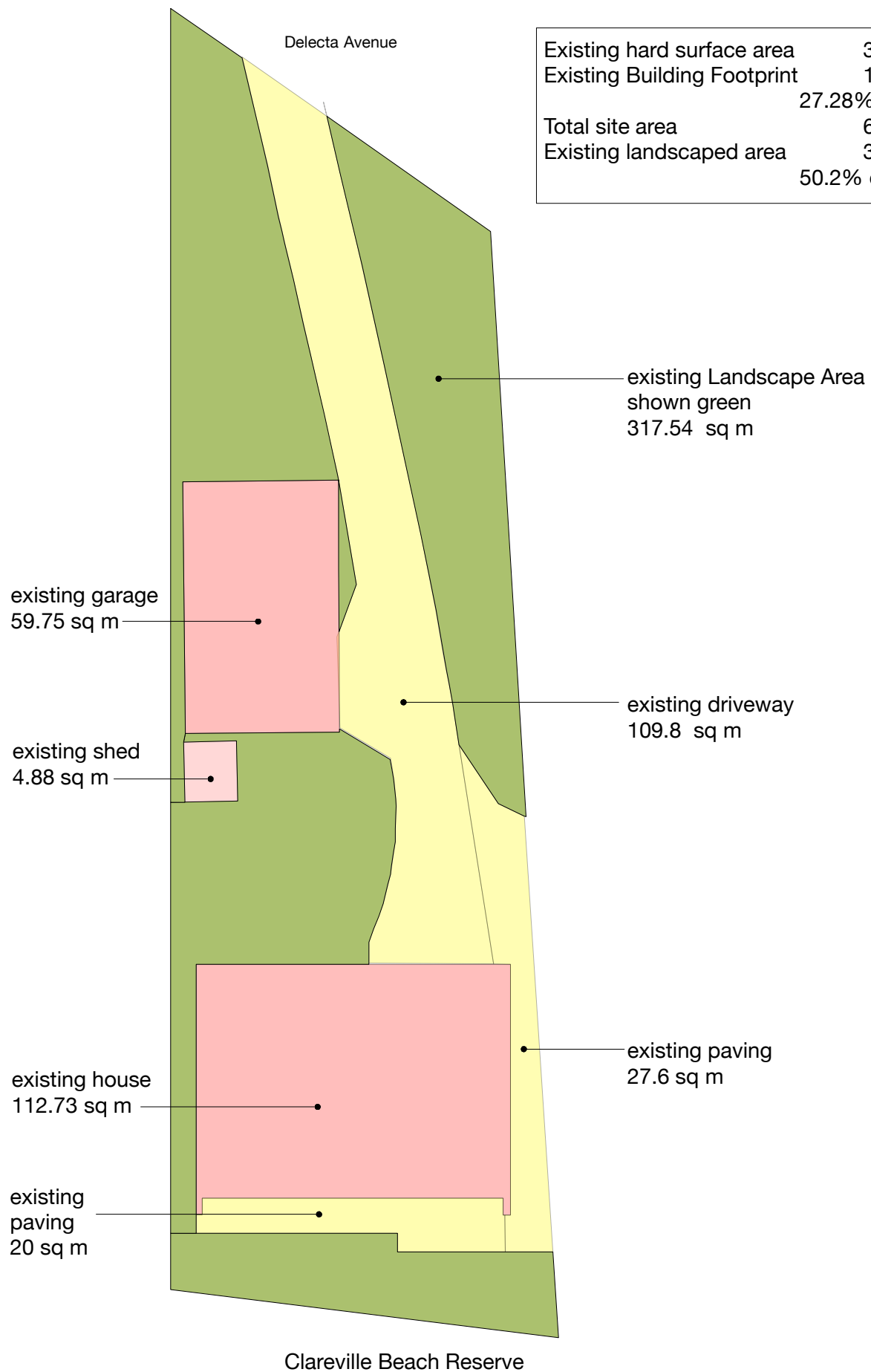
That the walls adjacent to the boundary of No. 6 Delecta Avenue are brought back to a single storey scale that is friendly and responsive to its neighbour.

That the proposal includes a separate driveway.

**APPENDIX 1:**

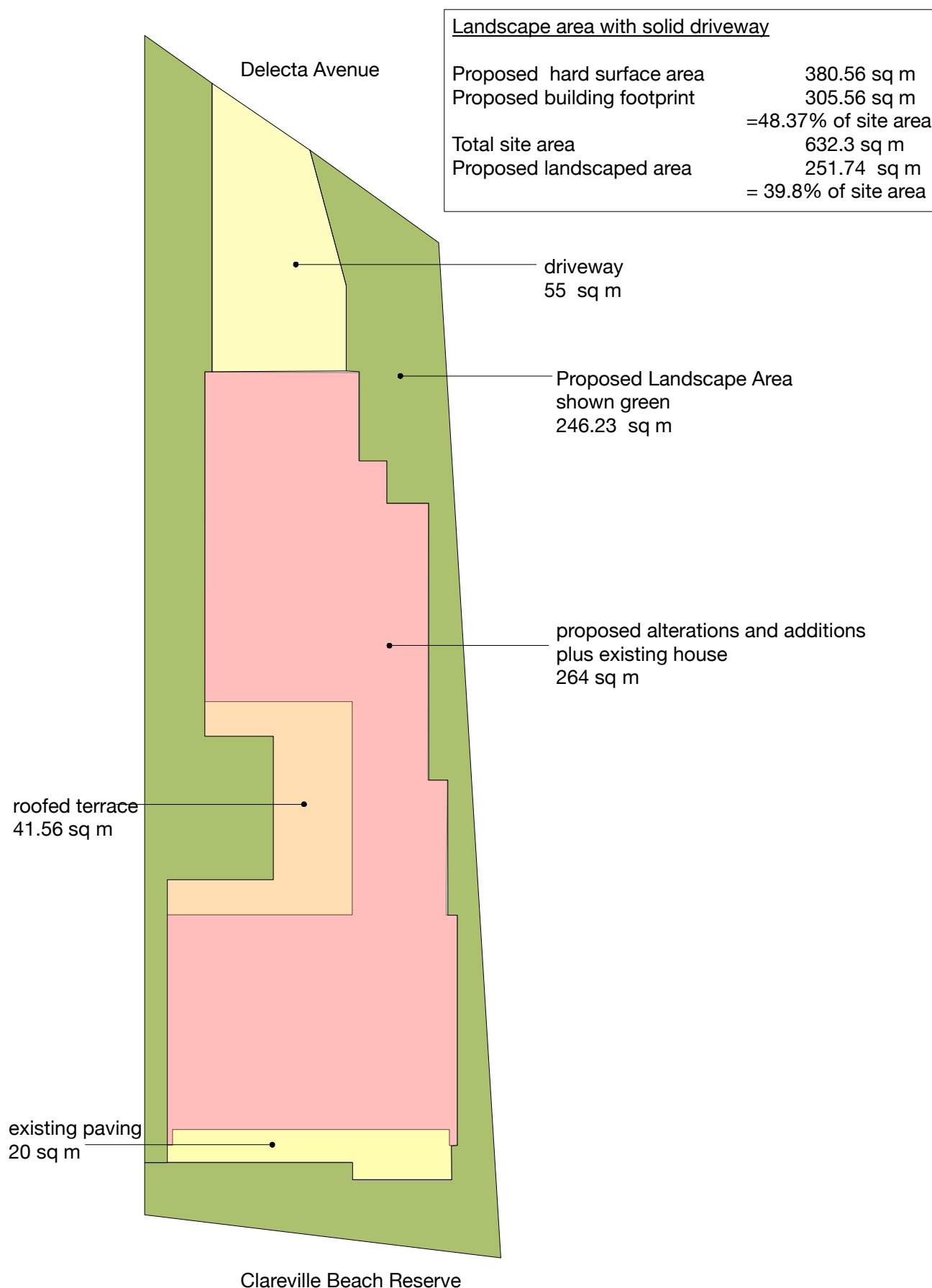
**EXISTING AND PROPOSED LANDSCAPE AREAS CALCULATED FOR THIS REPORT:**



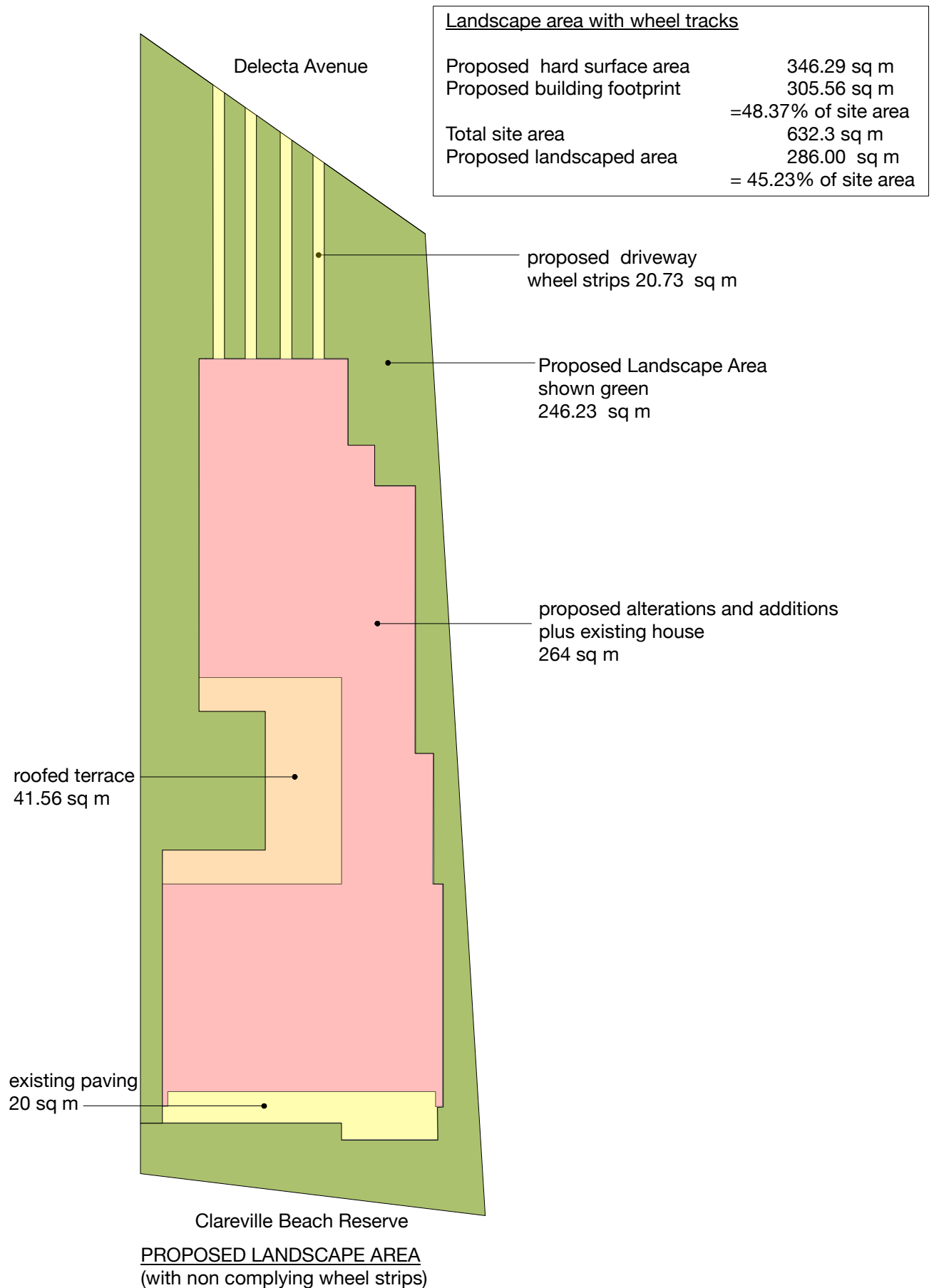


|                             |                     |
|-----------------------------|---------------------|
| Existing hard surface area  | 314.76 sq m         |
| Existing Building Footprint | 172.49 sq m         |
|                             | 27.28% of site area |
| Total site area             | 632.3 sq m          |
| Existing landscaped area    | 317.54 sq m         |
|                             | 50.2% of site area  |

# EXISTING LANDSCAPE AREA



PROPOSED LANDSCAPE AREA  
(with complying driveway)



## **APPENDIX 2:**

### **LETTER FROM ARBORIST**



16/8/2021

**Alex Austin** AQF Level 8 Consulting Arborist  
PO Box 84 Avalon Beach, NSW 2107  
Ph. 0413 842183 e:arborsaw@gmail.com

Date: 16/08/2021

Site: 8 DELECTA AVENUE, CLAREVILLE.

Details: DA2021/1032 Arborist Review

Alex Austin was commissioned by the owners of 10 Delecta Ave to review the documents within DA2021/1032 with specific attention to be made to the potential impact on the site and neighbouring trees located at 6 & 10 Delecta Ave.

A site inspection was completed on the 6<sup>th</sup> of August 2021 where site trees were inspected from 10 Delecta Ave.

#### ***Reviewed Documents***

- Arborist report,
- Complete Set of Plans
- Statement of Environmental Effects,
- The Natural Environment Referral Response - Biodiversity.

Following a review of the documents and trees potentially impacted, my notes and comments are as follows,

#### ***Arborist Report.***

The arborist report does not determine the impact on the trees for 10 Delecta Ave, specifically tree 10.

The proposed TPZ encroachment for Tree 10 has not been calculated. Is it Major or Minor?

Will the tree remain viable? Why?

Tree 5. The tree is listed as High Retention Value and high Significance. Site discussions revealed that a development at 6 Delecta was forced to be modified to retain Tree 5. Site discussion also revealed that the owners of 10 Delecta had recently had a Tree Removal Permit declined for another Paperbark (Tree 12 in the Report). The reasoning for the removal of Tree 5 is inadequate and appears to support the removal rather than determine the impact and demonstrate why removal is required or reasonable.

What can't the plans be modified to accommodate the tree?

What is the setback of the tree from the build?

Exploratory excavation or root mapping should be undertaken to demonstrate the tree can be retained or requires removal due to major root conflict.

#### ***The statement of environmental Effects;***

Does not consider the removal of Tree 5 - This is the largest tree onsite and the majority of the site canopy cover. The removal of this tree conflicts with the claims made in the Statement of Environmental Effects page 21 - "The proposal will not have any impact on the existing tree canopy".

The objectives of the NBC DCP section A4.1 Avalon Beach Locality are not complied with; specifically, "Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses"

It is noted the NBC landscape referral response identified the error in the statement of environmental effects.

***Natural Environment Referral Response - Biodiversity***

*Eucalyptus camaldulensis* is not a locally occurring species and is inappropriate for the site due to its potential site/conflict with coastal growing environment. This species should be changed to a Pittwater indigenous species such as *Angophora costata* or *Corymbia maculata*.

For any further information relating to this site please don't hesitate to contact me.

Regards



Alex Austin  
arborsaw@gmail.com  
0413842183  
PO Box 84, Avalon 2107.  
AQF Level 8 Consulting Arborist.

***Industry Qualifications***

AQF Level 5 & 8 Consulting Arborist.

ISA Certified Arborist # AU-0348A

Tree Risk Assessment Qualification (TRAQ) (Valid until Oct 2023)

Advanced Quantified Tree Risk Assessment Registered User # 3692

Masters of Environmental Law