

**From:** "Mat Graham" [REDACTED]  
**Sent:** 7/10/2021 4:56 AM  
**To:** "Council Northernbeaches Mailbox"  
 <Council.Northernbeaches@northernbeaches.nsw.gov.au>  
**Subject:** Online Submission - Development Application DA2021/0981

Dear Council

We have considered the new development Plan, now the height poles have been erected for DA2021/0981 and our objections remain largely consistent with the last submission other than some small additions

Please find our objections that impact us directly which we are willing to pursue if the development plan moves ahead in its current form. These objections relate to;

- (1) the Proposed Fence
- (2) The Foreshore Building Line
- (3) The Roofing Material.

Addressing these in order;

(1) Proposed Fence - The proposed fence on the southernmost part of the boundary is to be erected on land which is subject to E2 Environmental Zone this area gives us direct access through a set of stairs which has been there for decades, by incorporating a boundary fence, access to the beach and rock area could be limited or completely denied and give way to construction on E2 zoned land. When purchasing our property, the E2 zoning for this area was clearly identified and a significant factor in our decision-making to purchase our property as E2 zoned land can't be built on or altered in land profile. This land also contains many native species and is home to local wild life. I note that the plan maintains access to the stairs for the applicant's personal use, however to use the stairs situated on the very southern edge of their property the applicant must enter and exit via the public access stairs which are largely positioned in the environmental zone on State owned property. Effectively the applicant is removing all rights to access the existing stairs in the environment zone and obstructing continuous public access along the foreshore area and claiming rights for their own personal use. In addition to this the fence goes against the keeping of the natural environment and would not be in keeping with the aesthetics of the homes situated along the coveted Southern Stretch on Avalon Headland which face the ocean. In fact, it would be the first house to erect such a fence along this stretch which would look unsightly from the beach and sets a dangerous precedence for other future developments along the foreshore and it clearly goes against clause 7.8 Limited Development on Foreshore area of PLEP 2014. I'm sure the last thing the Avalon Local community and the Pittwater Natural Heritage Association would like to see is a row of fences on our beautiful Avalon Headland. We would strongly argue against the proposed fence on E2 Zoned Land and are prepared legally to support this argument.

(2) Foreshore Building Line - The area at the southernmost part of the property is also subject to clause 7.8 Limited Development on Foreshore area of PLEP 2014 the construction of a fence on this area would clearly go against the plan as this section clearly states in clause 7.8 (1) b, the objective of ensuring continuous public access along the foreshore area and to the waterway. Clause 7.8(3) also states that development consent must not be granted unless the consent authority is satisfied that: (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area - we would argue that it is not compatible. (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway - we would argue that it does cause conflict. (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised - we would argue that access will be compromised (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore - we would argue that it does impact aesthetic appearances.

In considering the above and to the knowledge of likely objections to the fence by us and nearby residents it would be evident that the council cannot clearly satisfy itself to provide consent, based on Clause 7.8 (4) Pittwater Local Environmental Plan 2014.

(3) The Roofing Material - A very large portion of the new proposed roof will reflect directly onto our main living and bedroom areas and west facing deck which all may be severely affected by the reflective nature of the proposed roofing material. We request the council applies conditions to the Development Application requiring low reflective roofing material in a darker colour. For reference regarding the reflective roof colour please note with the picture below how reflective a light grey roof can be when compared to a dark roof tile next to it. The picture is of the new construction taking place on the corner of Harley St and Marine Parade and highlights the reflective nature of a light or light grey roof, the picture was taken from 200- 300 meters away and is positioned in the same direction as the roof proposed for 31 Marine Parade , We fear as the roof lower is then and facing directly at our living areas and main bedroom area and the fact it is less than 50 meters away this will make our living unbearable not to mention reflect heat. This is a serious concern.



Warm regards

Charmion & Mathew Graham  
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