
From: [REDACTED]
Sent: 4/02/2022 2:44:59 PM
To: Council Northernbeaches Mailbox
Subject: FW: Response to proposed development
Attachments: Response to Proposed Development NBC.docx;

Please find attached a submission in response to the proposed development at 58 Whale Beach Road, Avalon Beach. NSW 2107.

Application number: DA2021/2582

Whilst we have provided contact information for council use , we request that our names, phone numbers, address and email addresses are not publicly available.

Yours sincerely,

[REDACTED]



Response to the notice of the proposed development:

Application No. DA2021/2582

58 Whale Beach Road AVALON BEACH NSW 2107

Property Status: Current

Council Ward: Pittwater

Lot 106 Sec DP 17189

Thank you for the opportunity to respond to this proposed development. Given that a structure at number 60 Whale Beach Rd, has been built right on our eastern boundary line we have serious concerns about the proposed secondary dwelling.

Our comments and concerns are **highlighted below**.

Statement of Environmental Effects

The owners request consideration for the minor encroachment of the Building Envelope at the West Elevation as seen in drawing DA 07.

We acknowledge that both No. 56 and No.60 exceed the building envelope to a greater degree, particularly No. 60 as this development directly impacts on our property. It was a source of much concern for us when it was proposed and built, and it continues to impact in terms of sunlight and aspect.

Despite the impact of shadow and loss of view, the structure at number 60 is a garage and workshop, not a dwelling with west facing windows as in this proposed development.

The proposed secondary dwelling at No.58 is located close to the northern and western boundaries of the site, and **we are concerned that the privacy of our neighbours at number 17 and ourselves at number 19 will not be maintained.**

It is claimed that the west facing windows look towards heavy vegetation and fencing between the properties of No.58 and No.17 Alexander Rd, however **this needs to be established.**

In addition, whilst the distance between the dwelling on No.17 Alexander Rd and the proposed secondary dwelling exceeds 25 metres, **what is the impact on the current residents at number 17, or indeed future owners for extending their dwelling to the east of their property?**

Should the request for this encroachment of the Building Envelope at the West Elevation be granted **it sets a precedence that may have a significant impact on future proposals.**

B3 HAZARD CONTROLS

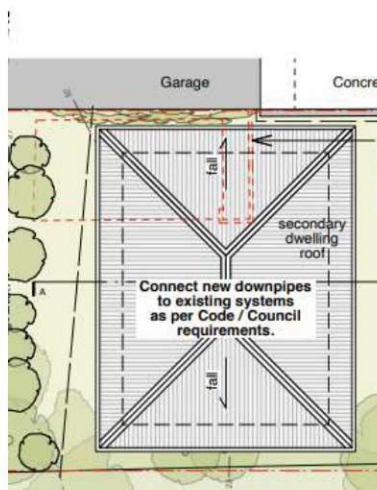
B5.15 Stormwater

We note that stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like.

Please note that in heavy rain the run off from number 58 Whale Beach Rd in the corner where it joins number 19 Alexander Rd is significant.

The south-eastern corner of our property becomes waterlogged as the land along the back fence line has been built up beyond the natural line of the land increasing run off. We are also concerned about pool overflow adding to the existing water problems.

The current stormwater arrangements do not seem to be working efficiently and any increase would be detrimental to houses on the western side of the development.



B8 SITE WORKS MANAGEMENT

B8.1 Construction and Demolition - Excavation and Landfill

We note that the Secondary Dwelling to the rear of the property will require no fill or excavation however **we request that the current fill/ elevation along the fence line be examined and surveyed in the light of where the natural land fall should be.**

Given the proposed close proximity to the boundary, the height of the proposed secondary dwelling is a concern.

A similar issue when the development at number 60 was approved meant that the elevation was not taken from the natural slope of the land and the result was a building that was excessively high and out of keeping with the area.

C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT

C1.4 Solar Access

We note that the properties of No 15 and 17 Alexander Rd are overshadowed by the proposed dwelling in the morning.

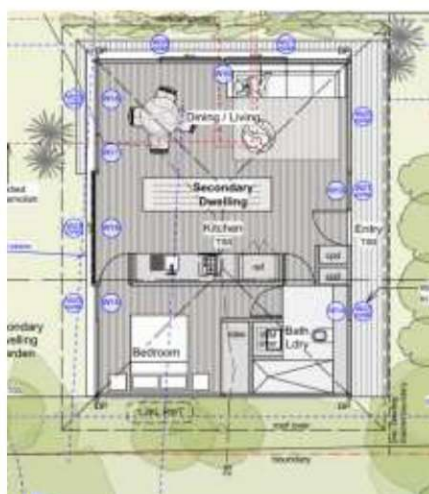
Whilst the principal dwellings of both of these properties are not located in the rear areas, shadowing over outdoor areas and gardens will be significant and should be reconsidered.

Again, should owners at number 17 Alexander Rd wish to extend their home or sell this could have an impact.

C1.5 Visual privacy

We note that overlooking of the yard of No. 17 Alexander Rd will be blocked by increasing the existing vegetation. **Can this be elaborated on please as the windows on the western aspect look directly onto the adjoining properties?**

The height of the structure and the proposed close proximity to the boundary line means that the windows would also overlook our entertaining area and garden at number 19 Alexander Rd.



D.01 AVALON BEACH LOCALITY

D1.9 Side and rear building line

It is claimed that despite the closer proximity to the rear boundary, a good level of privacy and solar access is still maintained between No. 58 and No. 17 Alexander Road. We do question the privacy issue.

Whilst the dwelling at No. 17 is located more than 25 metres from the shared boundary, again, **what if the owners wished to extend?**

The precedence of other secondary structures located similarly to the rear setback should not be considered, as many were approved at a time when there was less regard for environmental and residential concerns.

D1.11 Building Envelope

The “very minor break of the building envelope” proposed should not be permitted. Regulations should be upheld.

Permitting this encroachment will further set a precedent for future proposals.

Whilst the west elevation of the immediate neighbouring building envelope at number 60 exceeds this to a greater degree than the proposed development, it was a source of much public discontent at the time and should not be a precedence.

This poor council decision at the time has had a detrimental effect on adjoining properties for many years and the existence of this building should not be a precedent for this proposal.

