
Sent: 27/09/2021 8:38:29 AM
Subject: DA 2021/1522 RE 189 RIVERVIEW ROAD AVALON BEACH

From: peter l'green <peterlgreen@hotmail.com>
Sent: Tuesday, 21 September 2021 5:13 PM
To: council@northernbeaches.nsw.gov.au <council@northernbeaches.nsw.gov.au>
Subject: DA 2021/1522 RE 189 RIVERVIEW ROAD AVALON BEACH

21st September, 2021

Mr PA and Mrs VA L'Green
1 Shore Brace
Avalon Beach NSW 2107

Mr Adam Mitchell
Development Assessment Officer
Northern Beaches Council
Email: council@northernbeaches.nsw.gov.au

Dear Sir,

RE: DA 2021/1522 for 189 Riverview Road, Avalon Beach.

Thank you for the opportunity to present this submission.

We live 100 metres south east of 189 Riverview and regularly enjoy the renowned walk along Riverview and Cabarita around Stokes Point. That walk is famed for it's water and national park views, for it's magnificent protected old growth spotted gums and other natives, and for the prolific bird life and other native fauna they support. For all those compelling reasons, the walk attracts 'locals' from Mona Vale to Palm Beach often with family and friends from all over Australia and from overseas.

189 Riverview is a beautiful but challenging lot. It was ripe for development. However, given: the gradient; extensive profile to the foreshore; the number and location of protected old growth trees on site, on the verge and close to neighbouring boundaries; the massive sandstone outcrops; and the extensive community and neighbour views to be shared, it was obvious to all that the buyer would have to be particularly creative in designing an environmentally respectful, community friendly and compliant development.

To our great disappointment and that of all locals we have spoken to, DA2021/1522 appears to be just another gross ambit claim for over development and environmental vandalism. What could have been a 'showpiece' looks every bit a 'shame-piece'. There appears to be multiple breaches under multiple Acts, Regulations, Controls and E4 Zone Objectives: in height, setback and front building line, building envelope/bulk, built form from the foreshore, landscaped area/FSR, overshadowing, public space and

neighbour view-sharing to name just some. This number and scale of breaches alone should be more than enough to warrant a categorical "Refusal" from Council.

However, we understand Council's path is even narrower and clearer than that. DA2021/1522 encompasses the removal of sixteen or seventeen old growth native trees. In addition, the TPZ's and/or SRZ's of another several such trees on the neighbouring property and Council's verge are also to be materially impacted. Arguably, on any lot in this LGA, environmental destruction of anything like the magnitude contemplated here should be sufficient to attract a quick "Refusal". That is far more obviously the case on this occasion: 189 Riverview is situated in a remnant Spotted Gum Forest determined as an EEC and protected under the Biodiversity Conservation Act 2016. Under s.7.16 (2), "The consent authority must refuse to grant consent under Part 4 of the [EPA] if it is of the opinion that the proposed development is likely to have serious and irreversible impacts on biodiversity values". Clearly, that is the case here. Indeed, Council's own 'Landscape Referral Response' dated 10/9/21 has already delivered that verdict. Council has no discretion under the above mentioned legislation to approve the Application.

We ask Council to 'Refuse' DA 2021/1522.

There is still a real opportunity here for both the Applicant and for Council.

The Applicant can take up the challenges of 189 Riverview and create something that is both compliant, and an environmental and design showpiece. This special site and locale warrants nothing less.

Council likewise can demonstrate its environmental and sustainability credentials, prove to it's constituents that it is not 'toothless', that it's laws, regulations and controls are not meaningless, and that they are applied equally irrespective of profile or weight of wallet.

Sincerely,

Vicki L'Green

Peter L'Green
BComm LL.B