
From: Richard Barker
Sent: 15/11/2021 9:18:25 AM
To: Council Northernbeaches Mailbox
Subject: 8 Delecta Avenue, Clareville DA2021/1032
Attachments: 8 Delecta Ave Clareville objection letter #3.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.

Regards

Richard Barker

Mob: [REDACTED]

15 November 2021

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

Via email: 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 letters dated 10 August 2021 and 24 August 2021, and the accompanying expert architect's report (dated 24 August 2021), all of which objected to several critical deficiencies of the proposed development at the above address and demonstrated clearly why the development could not proceed. We have reviewed in detail the recent amendments proposed to the development plans (on Council's website dated 1.11.21) and while there is a modest improvement, we find the amendments to be of minimal impact.

Our concerns, expressed in detail in our previous two letters and reinforced in the expert architect's report, **remain and are not adequately addressed by the new amendments:**

1. **Bulk and scale out of proportion** – Despite the slight reduction in scale, the proposed development continues to be excessive and out of proportion with other homes in this beachside community and is totally inconsistent with homes in Delecta Ave. This has been clearly demonstrated in our independent architect's report (refer to page 8) where a 3D model compared the existing house to that proposed and showed the dramatic increase in bulk and scale and the significant loss of open space. Even with the slight modifications proposed, the building will be overbearing when viewed from Delecta Ave and also from our neighbours at #6. Moreover, the unreasonable increase in the footprint of the proposed development is clearly evident in the architect's report (refer to pages 19 & 20), demonstrating the significant detrimental impact on the amount of open space.

THE AMENDED PROPOSED DEVELOPMENT SHOULD BE REJECTED ON THIS BASIS ALONE.

2. **Landscape ratio breaches DCP** – Despite the amendments, we emphasise again, the substantial decrease in open space and potential landscape area as a consequence of the proposed development is contrary to Council's DCP landscape quantitative objectives. The removal of the hard surface under the covered courtyard pergola to improve the landscape

ratio is disingenuous, as even if subsequent to approval no paving is added, nothing is likely to grow there. Similarly, the “wheel strips” in the proposed driveway, which have been designed purely to increase the landscape ratio, would be ineffective as they do not align with the existing driveway crossing to the street (as noted below in point 4 below). Also, they are contrary to regulations.

The Council’s DCP on this matter is very clear - 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 ~46%, NOT 60% stipulated by the DCP – that is 23% or almost 90sqm LESS than what it should be! This is a substantial deviation from the DCP. Council needs to enforce the DCP provisions, otherwise what is the point of having rules?

THE AMENDED PROPOSED DEVELOPMENT SHOULD BE REJECTED ON THIS BASIS ALONE.

3. **Continuing threat to native canopy tree** – the retention of the Melaleuca on the boundary with #6 Delecta Ave is highly desirable and welcome, however under the amended plans this tree is still at extreme risk. The building alignment has been pulled back from the tree by 620mm, however this is not enough to guarantee its survival. The list of modifications from architects, rama, states “The reduction in width of the Ground Floor Hallway (refer to modification 2) has improved the ability for this tree to be retained” (emphasis added). This is not good enough. If the building impacts the Tree Protection Zone by more than 10%, which it does, an arborists report that opines on the tree’s viability and that undertakes root mapping or exploratory excavation, is required. This appears not to have been undertaken – no information has been provided on the results of this analysis.

Council required this tree to be protected when the house at #6 was being built, only 3 years ago. It would be a totally inconsistent approach if Council permitted the subsequent death of this tree by allowing the proposed building to impede its root system.

THE AMENDED PROPOSED DEVELOPMENT SHOULD BE FURTHER AMENDED TO ENSURE THE SURVIVAL OF THIS IMPORTANT TREE.

4. **Difficult access on common driveway**
 - a) The DCP (at clause B6.2) states that an internal driveway must be provided for any alteration or addition where the sum of the gross floor area of the dwelling exceeds 30sqm, which is the case at #8. The proposed “wheel strips” do not comply with this order.
 - b) The “wheel strips” in the proposed driveway do not align with the access from the existing driveway on the road reserve. Consequently, vehicles entering the proposed garage will cross the intermediate grass strips, on entry and exit, rendering them useless.
 - c) During construction our narrow, short shared driveway will be blocked by tradesmens’ vehicles and large delivery trucks, which is likely to persist for an extended period, severely restricting access to our home and garage. This is totally unacceptable.

- d) Further, as there is no area for turning within #8's site area, large trucks and other vehicles will be required to back up the road reserve to Delecta Ave, a narrow street which only legally allows parking on one side, and exit on a southerly basis up the confined steep part of Delecta Ave to Hudson Parade. This is potentially dangerous (refer to the attached recent article and photo from Pittwater Life of a bus stuck on the southern corner of Delecta Ave for evidence of this concern.)

These driveway issues would be resolved if a separate driveway for #8, with direct access to Delecta Ave, was constructed as part of the proposed development.

THE AMENDED PROPOSED DEVELOPMENT SHOULD BE FURTHER AMENDED TO INCORPORATE ITS OWN DRIVEWAY.

Traffic Management

As mentioned in our previous letters, Council will need to implement an effective traffic management system in Delecta Avenue during the construction period. Given the narrowness of the street, the limited and very difficult 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 imperative. We would like to understand what Council intends to do on this important matter, please advise.

Conclusion

The suggested amendments are minor and have not adequately addressed the serious underlying issues that we and many of our neighbours have outlined on numerous occasions and are therefore not acceptable to us.

Because of the severity of the issues outlined above, the amended development cannot proceed. It does not satisfactorily address:

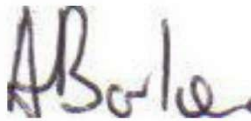
- Council's key DCP quantitative requirements regarding landscape ratio;
- Council's qualitative LEP requirements for zone E4 "Environmental Living":
 - "for low impact residential development in areas with special ecological, scientific or aesthetic values;
 - "to ensure that residential development 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" (emphasis added);
- The excessive bulk and scale of the development;
- The very real and troublesome site access issues; and
- It still risks the viability of a healthy native tree, the only canopy tree on site.

Council should enforce its controls and insist that the development be reconfigured to comply with both the numerical controls and qualitative outcomes set out in the LEP and DCP. We suspect that this will require a complete re-think of the development, as it is so far outside community expectations and Council's DCP provisions that the process should start again from scratch.

Richard & Anne Barker
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Clareville NSW 2107
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The risk to Council and the local community of allowing such a development to proceed is that it will set an undesirable precedent that opens the door to many more non-compliant developments, thereby incrementally destroying the ambience of this lovely community. **This is not about reaching a compromise position; it is about enforcing Council's development controls and also adhering to local community expectations to restrict over-development in this sensitive marine environment.**

Yours sincerely



Richard & Anne Barker

Extract from Pittwater Life, October 2021 edition, page 24:

ABSURD...

Keystone Cops scenes at usually serene Clareville in mid-September when a Sydney Bus "ran aground" on a hairpin bend on Delecta Avenue. Apparently approved emergency tree removal works were being undertaken at a residence in Hudson Parade which required traffic to be diverted. Unfortunately, no-one told Sydney Buses. The poor bus driver, on the condition of anonymity, told our man on the spot that the traffic management hadn't notified the bus depot about the road closure, and that Council rangers who turned up told the lollypop sign turners they had no authority to close the road. The driver said he had ignored the first two division warnings because it was a bus route. But when he reached the second entrance to Delecta, the traffic controller told him he couldn't go any further. "*Where do I go then?*" he asked. "*Turn left, then left again,*" he was instructed. Left, as into Delecta Avenue. Oops. Council told us: "Council's rangers attended the site and it appears the bus had been directed on an alternative route to the one stipulated in the contractor's traffic management plan. We will look at how the incident occurred as well as possible improvements in traffic control management by contractors." The bus was freed without hitch, leaving minor cosmetic damage to gardens.

