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**Sent:** 2/03/2020 9:49:55 PM

**Subject:** DA 2019/1260 - 27-29 North Avalon Road - Summary of residents' objections -  
Renee Ezzy

**Attachments:** Summary of community objections.docx;

Dear Renee,

Please find attached a summary of the objections to the development proposal taken from the submissions made by North Avalon residents, for your further consideration in the assessment process for this development.

Kind regards,

Barry Hanstrum

31 North Avalon Road

31 North Avalon Road  
Avalon Beach NSW 2107  
3rd March 2020

DA 2019/1260

Proposal to build 10 residential units at 27-29 North Avalon Road

### **Summary of community objections**

Dear Renee

The community of North Avalon has raised strong objections and serious concerns about the proposed development of 10 units at 27-29 North Avalon Road. So far more than 75 submissions have been lodged with Council.

The submissions consistently highlight concerns that the development is oversized and is incompatible with the residential character of North Avalon. There is alarm amongst residents over the proposed wholesale destruction of almost 50 trees on the site and concern that the developer has shown little respect for the value of the natural landform, or the vegetation and its wildlife. In short, the residents' messages to Council are clear – the development does not connect with the identity of Avalon Beach or its people. It is an inappropriate proposal for this site and it will destroy the charm and character of our beautiful area.

Attached please find a summary of the major issues of concern raised by residents for your further consideration and a request for the Council to undertake additional reports as part of its' assessment process.

Sincerely,

Barry Hanstrum

## **Incompatibility with the residential character of North Avalon**

In the submissions to Council, residents describe many desirable elements of North Avalon's character that should be maintained and protected. These include the abundance of trees and wildlife, the traditional beach style houses set back from the street verge, the spaciousness of the area, and detached low density single or double storey dwellings that nestle comfortably into the landscape. In this treed, leafy environment the natural setting dominates the built form. People live here because it is a serene, peaceful location that has a delightful, laid-back community feel.

SEPP HSPD Clause 33 states that a proposed development should 'recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area', and that the development should 'maintain reasonable neighbourhood amenity and appropriate residential character by; providing building setbacks to reduce bulk and overshadowing, and by adopting building heights at the street frontage that are compatible in scale with adjacent development.' Further the development should be designed so that 'the front building line of the development is set back in sympathy with, but not necessarily the same as, the existing building line'. It should also 'retain, wherever reasonable, major existing trees'.

In contrast to the objectives of Clause 33 the development:

- proposes to build 10 units on the 2 sites, a five-fold increase on the existing number of two freestanding dwellings;
- destroys almost all the major existing trees on the site rather than retain these where possible - the new buildings will dominate the natural setting rather than vice versa;
- adopts building heights of 8m at the street frontage that are incompatible in scale with the neighbouring houses;
- has a building line well in front of the average setbacks of the neighbouring houses (excluding the carports and garages), which is not in sympathy with the setback of these houses;
- has an obtrusive raised walkway some 4 metres above the ground spanning the 5 bulky, 2 storey buildings; and has
- a wide concrete entrance driveway and a 15-bay concrete parking lot adjacent to neighbouring houses.

These characteristics are discordant with the surrounding neighbourhood and with the existing character of the area as defined by the residents. The proposal is a significant overdevelopment of the site. The development does not contribute to the quality and identity of the area, nor does it maintain 'appropriate residential character' as prescribed in SEPP HSPD.

We are concerned by statements made in the Council's *Urban Design Referral Response* regarding the appropriateness of the building design. In particular, we find the conclusion that "The Development represents a moderate intensification of the site which is comparable to similar developments in the local area" to be puzzling when considering the development represents a five-fold increase in dwelling density on the site, and that other seniors developments in the area are close to the main arterial roads. This development lies in the core of the low- density residential zone where the character of the surrounding houses is very different.

Also, the statement that “The development represents a style that is architecturally sympathetic to the adjacent neighbouring properties and sits well within the context” is at odds with residents’ views. We are concerned by the lack of detail in the report outlining the criteria used to justify this conclusion, and see clarification from Council.

Residents have requested that the Council conduct an inspection of the site, and that 8m height poles be erected so that the size of the building and its distance from the front verge can be fully appreciated.

### **Negative impact of clustering of medium density developments**

Residents are concerned that if the proposal is approved, this will be the third seniors’ housing development within a distance of 200-300 metres. The other two are located at 7 North Avalon Road (6 units) approximately 200 metres from the proposed development, and at 4-6 Binburra Avenue (8 units comprising a mixture of 2 and 3 bedroom apartments) approximately 300 metres from the proposed development. The application for a third development consisting of 10 dwellings in the heart of the low density residential area, conflicts with the intention of the Avalon Beach DCP to minimise the cumulative impact of medium density housing developments. The ratio of seniors housing units to residential houses in the area around the North Avalon shops would increase to around 1:1.6, an exceptionally high ratio in what is primarily a low-density residential area.

If the proposed development is approved by Council, there is a deep concern amongst residents that this will be the start of a major character change for the area, with a transition from single dwelling to medium density housing on the secondary roads within the urban core, rather than on major roads near commercial centres. There will be little to stop the same style of developments happening on other sites in the North Avalon locality, and the unique character of the area will be lost.

### **Non-compliance with building height standards**

SEPP HSPD Clause 40 requires that a building located on the rear 25% of the site must not exceed one storey in height. The development contravenes this requirement by having the second storey extend outward 1.4 metres into the required 15.4 metre setback across a width of 8.4 metres (2 x 4.2m sections) at the rear of the buildings. This will add to the volume of the buildings creating a bulkier appearance. As this does not comply with the building height standards in SEPP HSPD, a clause 4.6 request to waiver compliance is being sought by the developer. The developer has disregarded a planning regulation designed to protect the visual amenity and privacy of the rear neighbours.

### **Destruction of existing trees**

Residents are dismayed by the fact that the proposed development destroys almost all the existing 48 trees on the site, effectively changing the landscape forever.

The Avalon Beach Development Control Plan states that “existing and new vegetation, including canopy trees, will be integrated with the development”. Further, it says that a key principle behind new development is that there should be “houses amongst the trees and not trees amongst the houses”. SEPP clause 33 states that developments should ‘retain, wherever reasonable, major existing trees’.

The developer has made little attempt to retain major existing trees as stipulated in SEPP HSPD Clause 33 (f). As well as the significant visual and privacy impacts of removing the

trees, the destruction of almost 50 trees on the site will decimate habitat for native birds and animals. Any new trees planted on the perimeter of the site will take years to become established and by this time the wildlife will be gone.

We ask that Council commission a second independent arborist's report to assess the heritage value and health of the trees on the site and that a report be prepared to examine the impacts on native wildlife on the site.

### **Adverse impact on neighbours visual and acoustic privacy**

Residents in North Avalon appreciate the quiet, peaceful nature of their surroundings. The privacy of residents is valued and respected. SEPP HSPD Clause 34 requires that new developments should consider the visual and acoustic privacy of neighbours in the vicinity and residents by appropriate site planning.

The wholesale removal of trees and shrubs will have drastic impacts on the neighbours' privacy. In addition, the raised pedestrian walkways spanning the buildings will provide elevated platforms from which residents will be able to view adjacent properties. Given the hard surface of the car park beneath the walkways, landscaping cannot adequately screen these views or the structures.

It is inevitable that noise levels resulting from the 25 or so residents and from vehicles using the 15-bay car park will be greatly increased compared to current levels. The car park is open air and there has been no consideration of the acoustic privacy of the neighbours, whose bedrooms are immediately adjacent. The quiet, peaceful neighbourhood will be transformed forever by the sounds of footsteps on hard pavement, car engines starting and car doors closing – hardly consistent with the peaceful character of the location. (Not to mention the increase in air pollution resulting from car engine emissions).

There is little evidence that there has been appropriate site planning to reduce these impacts.

We would like to meet with Council on site to discuss the impact that removing the trees and the construction of the suspended walkways will have on the privacy and amenity of neighbouring houses.

### **Unsafe and non-compliant access to essential facilities and services**

The location of the development does not provide either safe or convenient access to bank services and the practice of a general medical practitioner as required by the SEPP HSPD Clause 26. The site is located almost 2 kilometres from the closest services located in Avalon Village. Where the distance to these services exceeds 400m (as in this case), the site must have safe and obvious access to public transport services located at "a distance of not more than 400 metres from the site", and that it is to be reached by a "suitable access pathway".

To access medical services by public transport, residents need to walk almost 400 metres to the bus stop on Barrenjoey Road, alight the bus at the Avalon Parade traffic lights, then walk another 400 metres to the main medical centre located at the western end of Avalon Village at 54 Avalon Parade. These distances are at the outer limit of the travel distances, as specified by SEPP HSPD Clause 26. The journey to the medical centre in Avalon Village and back to the site is a significant excursion for elderly people and people with a disability, requiring around 1.6 kilometres travel by foot, wheelchair or motorized cart, in addition to the bus trip. For the return journey, the bus stop on the western side of Barrenjoey Road is

located 435 metres from the entrance pathway on the development site, more than the upper limit of 400 m as specified in the SEPP HSPD.

A “suitable access pathway” as defined by SEPP HSPD Clause 26 is a “sealed footpath” and other travel path which can be used **safely** by “an electric wheelchair, motorised cart or the like”. In a similar vein, SEPP HSPD Clause 38 states that there should be “obvious and safe” pedestrian access from the location to public transport or local services.

Further, SEPP HSPD Clause 26 does not allow for any gradient along the pathway to exceed 1:8. The ‘*Assessment of Distance and Path of Travel to the Bus Stops*’ report in the DA documents identifies 3 sections of the path to the bus stops which are non-compliant with this Clause. The kerb ramp on the western side of Barrenjoey Road has a section steeper than the 1:8 gradient, as does the kerb ramp on the corner of North Avalon Road and Catalina Crescent. The transition to the footpaths either side of Tasman Road are also non-compliant and need to be remedied as part of the proposed works to upgrade the footpath from the site.

The designated return bus route from Avalon Village does not provide a “suitable access footpath” that is safe for use by a pedestrian nor electric wheelchair, motorised cart or similar. While the DA document looks at the gradients of path of travel to the bus stops and identifies non-compliance in parts, it does not address serious safety concerns associated with crossing Barrenjoey Road. This is a very busy road and a potentially dangerous crossing at the best of times. The so-called island refuge can be a precarious stopping point when confronted with buses and other large vehicles traversing the roadway at speed. The pathway from the bus stop to the refuge island crossing is narrower in parts than the required 1200mm width, and drops abruptly to ground level almost a metre below.

The development proposal does not provide safe access to and from public transport. Instead it will expose vulnerable members of our community to a dangerous crossing of an extremely busy main road.

To summarise, the closest available medical practitioners or banking services are almost 2 kilometres from the site, return access by public transport is more than 400 metres from the site, the travel path to the site does not comply with allowable slope gradients, and the crossing of Barrenjoey Road is unsafe.

For the proposed development to comply with the distance to public transport regulation the developer has sought a Clause 4.6 request to waiver compliance. This request for variation further emphasises the unsuitability of the site for this type of development.

### **Increased traffic congestion and street parking**

The intersection of North Avalon Road and Barrenjoey Road is already overloaded with cars at peak periods, as evidenced by the long queues of vehicles extending back along North Avalon Road as far as Tasman Road. This build up in traffic is mainly caused by drop offs at Barrenjoey High School, the Montessori School and two day care centres in North Avalon, converging with local traffic heading into Avalon Village along Barrenjoey Road. The regional road infrastructure is also beyond capacity as evidenced by the traffic jam experienced every morning from 8.30am to 9.30am between Whale Beach Road and the Bilgola Bends. The roads are at capacity and struggling to cope with the existing residential traffic, not only during the morning peak but at other times such as peak weekend and holiday season traffic.

Adding another 15 cars or more, will only worsen this situation for residents, already frustrated by long wait times in cars on Avalon Road while attempting to turn onto Barrenjoey Road. Evidence for the state of congestion of the local roads can be seen by recent photos and videos in the submission by Chard dated 6 February 2020.

While the 15 car bays provided meets regulatory guidelines it is highly likely that the number of bays will be insufficient to accommodate all residents vehicles, leading to additional cars on the street. There is no onsite parking provided for visitors and roadside parking is already congested. It is highly likely that the vehicle overflow will dramatically increase street parking causing a negative impact on the area.

### **Increased risk of flooding on adjoining properties**

Residents in neighbouring properties are concerned about an increased risk of flooding. The applicant's flood management plans have considered the impact of the development on properties downhill. Recent experience has shown that flood impact is also felt uphill when the flow is impeded, as will likely be the case when the retaining walls/garden beds are constructed along the rear and eastern side of the property. The increase in area of hard surfaces within the development may also lead to an increase in run-off from the site into a flood declared zone.

The 5 times increase in the density of dwellings will increase the inflow to sewerage mains and stormwater pipes that run through the neighbouring properties. The council engineer referral report states that the existing drainage easement pipe that runs below the property is in poor condition and will need to be replaced, calling into question the suitability of existing infrastructure to cope with the additional flows.

### **Requests to council for additional reports**

Residents of North Avalon request Council undertake expert reports in relation to the following matters, specifically:

- that Council commission an independent accessibility review of the safety of crossing Barrenjoey Road, and that the pathway that leads from the bus stop on the western side of Barrenjoey Road to the kerbside entrance to Barrenjoey Road be assessed for compliance with Australian standards;
- that Council commission an independent arborist's report on the condition of trees on the site and meet with residents on-site to hear their concerns;
- that Council commission a fauna report for the site to identify impacts of the destruction of vegetation on native wildlife;
- that Council re-examine the *Traffic Impact Assessment* report in light of residents' serious concerns that the existing local road infrastructure is already beyond capacity during peak periods;
- that Council conduct an inspection of the site with residents, and that 8m height poles be erected so that the size and distance of the buildings from the front verge can be fully appreciated;

- that Council provide a review of the *Urban Design Referral Response*, to address concerns regarding the lack of detail in the report in relation to the criteria used to reach the conclusions; and
- that the disparity between the tree canopy coverage shown in the *Survey Plan* (where there are large gaps between the tree canopies), aerial photographs (which show dense canopies interlocking), and the size of the tree canopy diameter in the Arborist's Report, be investigated and resolved (see submission by Hanstrum dated 12 February 2020).

### **Summary of non-compliance with State and Local planning instruments**

The following Tables summarise areas where the proposed development may not meet the requirements of the SEPP HSPD policy (Table 1) and the Pittwater DCP (Table 2).



<b>SEPP HSPD requirement</b>	<b>Apparent non-compliance</b>
<i>Distance to bank and medical services no more than 400 metres. (Clause 26)</i>	Travel distance to nearest bank and medical services in Avalon Village is around 1.8 kilometres.
<i>If more than 400 metres to banking and medical services, then distance to public transport services no more than 400 metres (Clause 26)</i>	Distance from return bus services on western side of Barrenjoey Road to entrance pathway is 435 metres.
<i>Travel pathway to bus services is safe. (Clause 23 and 38)</i>	<ul style="list-style-type: none"> <li>- Barrenjoey Road is a potentially dangerous road crossing.</li> <li>- Travel pathway from Bus Stop on western side of Barrenjoey Road to kerbside entrance to Barrenjoey Road is less than the regulation 1200 mm width in sections.</li> </ul>
<i>Travel pathway gradient to bus stops is no more than 1:8 Clause (26)</i>	The pathway is non-compliant in several places as described in the 'Assessment of Distance and Path of Travel to the Bus Stops' report.
<i>Retain wherever possible major existing trees (Clause 33)</i>	Almost all 48 trees on the block are destroyed. Only one major tree at the rear of the site is retained in landscape plans.
<i>Maintain reasonable and appropriate residential character (Clause 33)</i>	<ul style="list-style-type: none"> <li>- oversized development of 10 units in 5 bulky buildings does not maintain appropriate residential character.</li> <li>- Elevated walkways are not in character with neighbourhood.</li> <li>- Wide 'gun barrel' concrete driveway and concrete 15-bay carport are not compatible with existing character.</li> <li>- 8 m height buildings setback only 6.5m are not compatible with adjacent houses</li> </ul>
<i>Front building line is setback in sympathy with the existing building line. (Clause 33)</i>	De-facto building line should be drawn across the front of the adjacent <b>houses</b> , not across the outhouses or carports.
<i>Building must be less than 2 storeys on rear 15% of the block. (Clause 33)</i>	2 storey buildings encroach 1.4 metres into the rear 15% of the block.
<i>Appropriate site planning to reduce acoustic and visual impacts on neighbours. (Clause 34)</i>	<ul style="list-style-type: none"> <li>- Design of elevated walkways are invasive to neighbours privacy.</li> <li>-Design of central car park will cause noise impacts to neighbours.</li> </ul>

**Table 1:** List of items that appear non-compliant with SEPP HSPD.

<b>Pittwater DCP requirements</b>	<b>Apparent non-compliance</b>
<i>To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment. (D1.8)</i>	Existing neighbourhood features single dwellings on single lots. 10 units on a double lot does not relate to the spatial characteristics of the existing environment.
<i>Dwelling houses to be a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape (A4.1)</i>	The development does not integrate with the landscape, rather it destroys the natural landscape.
<i>'Any medium density housing will be located within and around commercial centres, public transport and community facilities...'</i>	The location sits almost 1.8 kilometres from the commercial centre of Avalon Village in the low residential core of North Avalon.
<i>Any future growth of Pittwater must conserve, protect and enhance the natural environment and beauty of the area. (A3.2)</i>	The development destroys the natural environment on the site, by removing almost all the large trees.
<i>Environmental objectives ....'plan, design and site development to achieve the principles of ecologically sustainable development'. (A 3.4)</i>	The habitat for birds and native animals will be wiped out by the removal of the natural vegetation.
<i>The built form does not dominate the natural setting. (B 2.2)</i>	The built form dominates the natural setting by crowding 10 units into 5 bulky 2 storey buildings with minimal verge setback
<i>Population density does not exceed the capacity of local and regional transport facilities.(B 2.2),</i>	Local transport facilities are already overloaded causing long delays in morning peak traffic.
<i>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. (A4.1)</i>	-The development is oversized and bulky given the size of the land available. - Canopy trees are destroyed not integrated into the development. - The landscaping plan has trees planted amongst the houses, not integrated.
<i>Minimise the cumulative impact of medium density development</i>	This will be the third seniors housing development within a distance of 300 metres.

**Table 2:** List of items that appear non-compliant with Pittwater 21 DCP