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**Sent:** 16/08/2020 5:07:03 PM  
**Subject:** Objection to 67 Marine Parade, Avalon plans  
**Attachments:** 67 Marine parade barry.docx;

Dear Nick,

Please see the attached letter of objection in relation to the proposed plans of 67 Marine Parade, Avalon

Kind Regards

**Lyndall Barry BBus (Accounting)**

*Business Development Manager*



Unit 1 8 Prosperity Parade

Warriewood, NSW 2102

Australia

[www.artinox.com.au](http://www.artinox.com.au)

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d\sb80\plainMobile: +61 (0) 411 436 407

E-mail: [lyndall.@artinox.com.au](mailto:lyndall.@artinox.com.au)

Postal: P.O. Box 16 Avalon, NSW 2107 Australia

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**From:** Lyndall Barry <[Lyndallbarry@mcgrath.com.au](mailto:Lyndallbarry@mcgrath.com.au)>

**Sent:** Sunday, 16 August 2020 1:17 PM

**To:** [lyndall@artinox.com.au](mailto:lyndall@artinox.com.au)

**Subject:**



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14/4/20

Nick England,

Town Planner

Northern Beaches Council

council@northernbeaches.nsw.gov.au

Proposal Development Application DA 2020/ 0274

Lot 1 DP 1205310

67 Marine Parade, Avalon

Dear Nick,

We object to the proposed plans of 67 Marine Parade, Avalon. It fails to address our major concerns of inadequate respect of council boundary setbacks, loss of views and privacy, huge bulk and scale of the design all of which is detrimental to all surrounding properties and is out of keeping with the street and area, not within keeping of the E4 zoning

DA 2020/ 0274 does little to alleviate the concerns raised in our previous objections and the concerns raised by Council in its previous assessments. The proposal raises concerns with regards to its excessive bulk and scale, view sharing, solar access and privacy of adjoining properties as well as code compliance. The effects negatively impact not only 65 Marine Parade but also the surrounding properties including the rear reserve and are in contrary to the LEP and DCP requirements.

This proposal is the 3<sup>rd</sup> application of extensions in one year on the existing dwelling of 67 Marine Parade. We understand that this proposal must be looked at with fresh eyes however the current proposal is extremely similar to the previous submissions. For this reason points of concerns previously raised by council in their assessments and deemed unacceptable will be referenced as these issues still exist in the current proposal. Therefore councils decision must be consistent with previous findings as the planning controls have seen no change in this time frame.

We request that this development application be rejected.

Our concerns are in the following areas.

## **Pittwater Local environmental Plan.**

The development site is zoned E4 – environmental Living. Under this zoning development for the purposes of Dwellings is permissible with the consent of council.

Concern is raised with the proposal's compliance with the zone objectives. The zone state:

- To ensure that residential development does not have an adverse effect on those values
- To provide for low impact residential development in areas with special ecological scientific or aesthetic values
- To provide for residential development of a low density and scale integrated with the landform and landscape.
- To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

The development is considered to be inconsistent with many of the zone objectives namely:

**Aesthetic Values** – the development is out of character with existing development in the area and will be visually obtrusive and able to be viewed from many vantage points across Avalon and Bilgola. The proposal has made no attempt to be sympathetic to the aesthetic values of the locality and cannot be considered to be a low impact residential development. The development impacts on privacy and overshadowing of our property. This is not reasonable particularly in relation to the E4 zoned land.

The property is a waterfront reserve property and given the importance that both the council, state and Federal government place on the coastal should be emphasized.

**Scale** - the scale of the development is disproportionate to other development in the area and will not sit sympathetically in the natural landform. The proposal will dominate the landform, land scape and surrounding properties. The rear extension will create further issues for our adjoining property particularly in terms of shadowing and visual impact. The proposed back dwelling is well *over 10m* above our deck which is simply overpowering and extreme.

*'To provide for residential development of a low density and scale integrated with the landform and landscape'* The back section of the house is *over 3m* above the ridgeline. This will produce a magnitude of problems.:

- The rear reserve will be in shadow for a large part of the day (no shadowing diagrams are provided to ascertain the exact amount). This public land in terms of its shadowing, value and amenity would be negatively affected.
- A property of this length and height can never be of considered to be in accordance with this requirement.

The council has previously acknowledged that the rear structure is located in a visually prominent part of the site and as such additional considerations should be taken into account. Council has raised the issue of property extending above the natural point of the site and the ridge line of the adjoining cliff. The proposed back dwelling significantly interrupts the ridge line of the cliff. The property extends approx 3 m above and as such would result in a visual impact that is inconsistent with the purpose of the Scenic Protection Area in which the land is located. Interruption of the ridge line has been the reason for previously requesting resubmission or withdrawal of plans and council should be consistent with its reasoning when considering these plans.

The outcomes for dcp 21 include;

“to preserve and enhance the visual significance of district and local views of Pittwater’s natural topographical features such as **ridges**, upper slopes and the waterfront”

“to ensure sites are designed in scale with Pittwater’s bushland setting and encourages visual integration and connectivity to natural environment.”

“Development shall minimise visual impacts on the natural environment when viewed from any waterway, road or public reserve.”

Da2020/0274 contravenes the above planned outcomes and as such does not comply with Part 1 .20 Scenic protection of Pittwater DCP21 and should be rejected on this basis.

Council previously identified ‘ *The location of the master bedroom..... are not consistent with the objectives of the E4 Environmental Living Zone of Pittwater Local Environmental Plan 2013. The objectives of this zone are, amongst others, to ensure that new residential development is of low-impact and retains the ecological value of land and be integrated with its landforms.* ‘ The new plans have the master bedroom in the same place , how can this now be acceptable when the zone objectives have not changed. It is therefore council’s initial conclusions on locating the master bedroom on this prominent location should be upheld. the

‘As per the environmental impact statement part 4 (surrounding environment) states that ‘*the general vicinity of the site is characterised by one and two storey residential developments within landscaped settings. The surrounding dwellings enjoy views towards Pittwater;* Furthermore, the Environmental impact statement states ‘the proposal will maintain a compatible height and scale to its neighbours’ (7.83b comment)

This proposal is the equivalent in height to a seven storey building and close to 50m in length. It is therefore in huge contrast to its surrounding properties and the environmental impact statement provided.

The environmental effects statement once again refers to this proposal as minor additions to a dwelling. The submitted plans are major.

The proposed development is in contrary of the E4 zone objectives and therefore I believe is unacceptable.

Pittwater 21 Development Control plan 2014.

### **Avalon Beach locality.**

‘ the design, scale and treatment of future development with the Avalon village will reflect the ‘surrounding ‘ seaside- village’ character of older buildings in the central/centre and reflect principles of good urban design.’

The scale is at odds of a seaside village. It does not retain the character of the older buildings, given its sheer size and bulk. The development seeks to maximise its northern aspect and resultant solar access with no consideration and to the detriment of 65 Marine Parade. Given the impact this design has on surrounding properties in terms of visual dominance, privacy, loss of views overshadowing and bulk and scale it surely is not of good urban design.

### **Views.**

Previously council has made a site inspection of our property and has investigated the result of a second storey on the existing property of 67 Marine Parade, Avalon would result in unacceptable view loss as noted by councils determination below:

“View Loss: A site inspection to the adjoining property at No.65 Marine Parade has identified that there will be view loss caused by the proposal. This relates to existing views this property has to the north-west, to Careel Bay. The first floor additions will result in a loss of these views. **In the context of the noncompliance with the Building Envelope and Side Setback controls of P21DCP, this loss is unacceptable. The application is inconsistent with: • Part C1.3 View Sharing of the P21 DCP; and • The NSW Land & Environment Court Planning Principle for “Views”.**

The new proposed second storey is essentially identical with the same impact on our view as was assessed above and was deemed unacceptable. It is unfathomable that this can now be considered acceptable when there have been no changes to the assessment guidelines. Council must be consistent with its decision making on this point.

The same principles are applicable from the backcliff area of ours and several surrounding properties with the proposed plans for the back section of the design which sits well above the ridgeline and obscures views.

In summary, it is requested that further consideration be given to the impacts of view loss particularly from the veranda of 65 Marine and the cliff areas of this and surrounding properties.

### **Solar Access.**

The submitted shadow access diagrams indicate that the windows and northern elevation of 65 Marine Parade will be in shadow the entire day as a result of this proposal.

It is noted that the shadow diagrams do not take into account the impacts of the proposed landscaping. This will add further impact to the shadowing of to the private open space area of 65 Marine Parade.

The shadowing documents show a covering of the sun across 100% of the northern length of our home. Given the length of the proposed design, in continued length of structure, the loss of sunlight is magnified.

The impacts of the overshadowing are unacceptable and design alterations should be sought as a minimum in its current form the development should not be supported.

The proposed development has clearly been sited on the sites boundary in order to maximise solar access to their own proposed alterations and private open space to the detriment of our property. Little to no regard, if any, has been given to the adjoining property to the south.

### **Visual Privacy**

The submitted plans; in particular the west elevation are disingenuous in their representation of the proposed additions and their actual scale.

The elevation gives the impression that the development will sit under the ridge heights of adjacent development shown on the elevation. Closer inspection of the North and South Elevation, upon which adjacent dwellings are not shown, paints a very different picture.

The proposed eastern development of the additions stands above the ridge height of 65 Marine Parade.

This structure is not only over bearing from a visual perspective but also contribute to visual privacy due to its elevated position.

The developments siting on the southern boundary further exacerbates the concerns relating to visual privacy.

## Side and Rear Building Line

The DCP specifically requires that development have a minimum setback of 2.5 m to one boundary and 1m to the other.

67 Marine Parade currently sits on our boundary and is 900m on the other side of 69 Marine Parade. The new proposal asks for the extension to run only 1.7m from the boundary.

It is requested that council apply the 2.5m setback to the southern elevation given its extensive wall length and elevated proximity to our adjoining property and our acceptance of the zero setback we currently have.

As per the councils reply to the last proposal

*'With regards to the side setback.*

*The proposed works **do not comply** with Part D1.9, side and rear building line of P21DCP.*

***Of concern is the noncompliance on the south boundary, where a nil to 1.7m setback is proposed.** This will result in an adverse visual impact when viewed from adjoining properties.*

*The **setback is insufficient to satisfy the objectives of P21DCP.'***

As per the above the set back in the new plans has not altered so in council's own words the setback remains insufficient and do not comply with Part1D1.9 side and rear building line of P21DCP

If the new plans were to be accepted the resulting home would be in noncompliance of the setback rule for **25** m along the southern side. This is unacceptable

With regards to the building envelope: Part d1.11 of Pittwater 21 Development Control Plan (p21 DCP) The angled roof provides for a larger surface area and given its elevated position provides issues in bulk, solar access and visual privacy. I believe that in its current form 'this part of the proposed building works will have an adverse visual impact when viewed from adjoining properties and will result in a loss of views to significant landmarks from adjoining properties'

I believe the reason for recently submitting 2 DA's was a calculated move to increase the probability of a house of this bulk and scale being allowed, particularly given that the building line was previously bought forward.

The height variation from the garage to the back roof and the length of the house represent an extreme build and in no way low impact and is out of character with the homes along the Marine Parade escarpment.



In summary, with regards to the proposed plans I object to:

- The bulk and scale
- The additional overshadowing
- The loss of view
- Visual impact
- Privacy
- Noncompliance to the codes It bulk and scale is excessive and out of keeping with the street and locality and has enormous impact on the neighbouring properties.

Council has previously not supported former proposals that were put forward by the Roots. The current DA is extremely similar to the previous DA'S where Council has brought to the attention the issues of noncompliance. these assessments based on

noncompliance of codes,

disregard for view sharing,

nonconsistency with the objectives of environmental living and local environmental plans, effect of building above the ridge line.

The current proposal raises the same issues and council should be consistent in its directions. There has been no significant redraw from the original submission.

It is of concern that councils response 'request for withdrawal of DA or amended plans' dated 3/7/20, that the issues which were previously deemed non acceptable have not been itemised in the letter. The issues raised in previous objections and agreed with by council are identical for the current submitted plans. For this reason, they should be commented on and the if council has been changed its stance, then why? This is extremely concerning and questionable as different results to the same criteria should not happen as the guidelines and framework in which they are assessed has not changed.

I request that council rejects these plans.

Kind Regards

Lyndall Barry