
Sent: 9/10/2019 4:40:21 PM
Subject: Submission to DA2019/1007 - 67 Marine Parade Avalon Beach Attn: Nick England
Attachments: Submission_67 Marine Parade Avalon Beach_8 Oct 19.pdf;

Nick,

Please find attached copy of submission against the proposed development at 67 Marine Parade Avalon Beach.

If you wish to discuss any of the issues raised, please do not hesitate to be in contact.

Regards,
Leonard Allen

untapped
PLANNING

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Untapped Planning
PO Box 139
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8 October 2019

Northern Beaches Council
PO Box 82
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Attention: Nick England

Re: Development Application DA2019/1007 – Alterations and Additions to Dwelling.
Lot 1 DP 1205310, 67 Marine Parade Avalon Beach

Untapped Planning has been engaged by the landowners of 65 Marine Parade, Avalon Beach to provide a planning submission to the abovementioned development application at 67 Marine Parade, Avalon Beach.

A full review of the developments compliance with the Pittwater Local Environmental Plan 2014 (LEP 2014) and Pittwater 21 Development Control Plan 2014 (DCP) has been undertaken having particular regards to the potential impacts on 65 Marine Parade.

Consideration of LEP and DCP requirements has shown several areas of non-compliance that contribute to the developments adverse impacts on surrounding residential dwellings. These non-compliances are discussed further in this correspondence.

It is requested that the development application be refused, or modifications sought to ensure compliance with both LEP and DCP 2014 and to mitigate against the adverse environmental impacts identified.

The following areas of non-compliance are of particular concern given their impacts on surrounding properties, particularly 65 Marine Parade.

Pittwater Local Environmental Plan 2014

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 however with the developments compliance with the zone objectives. The zone objectives state;

- *To provide 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.*
- *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, able to be viewed from a large number of public vantage points. The proposal has made no attempt to be sympathetic to the aesthetic values of the locality and can not in anyway be considered to be a low impact residential development. The developments impacts on privacy and overshadowing to 65 Marine Parade are such that would be considered not reasonable in an E4 zoned land.

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, landscape and surrounding properties.

The submitted statement of Environmental Effects refers to the proposal as Minor Additions to the existing dwelling. The submitted plans clearly demonstrate that the proposal is anything but a minor addition. The development has sought to maximise its northern aspect and resultant solar access and views with little consideration to the surrounding dwellings.

It is put to council that the development in no way is consistent with the Zone Objectives and modifications should be sought to bring the development into line with development consistent with the E4 Zone Objectives.

Pittwater 21 Development Control Plan 2014

Section A4.1 - Avalon Beach Locality

The development is considered to be inconsistent with the Desired Character of the Avalon Beach Area. Specifically, the DCP identifies the future character as including;

- *The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design.*

The development, in its current form, is considered to not be of a scale that is consistent with that of a seaside village. The development does not reflect the

character of older buildings, nor is the scale consistent with existing development in the locality.

The development has multiple impacts on surrounding development including overshadowing, visual dominance, privacy and loss of views. It is not considered that the development can be considered of good urban design.

C1.3 – Views

The front veranda of 65 Marine Parade is one of the primary living and entertaining areas on the site. This area benefits from both northern and western light along with extensive views of Careel Bay. The second storey addition will block this iconic view along with views over the district.

It is noted that the submitted documentation has not addressed the planning principles contained within *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140. The plans do not indicate any desire or attempts to facilitate view sharing, particularly to Careel Bay.

It is requested that further consideration be given to the impacts of view loss, particularly from the front veranda of 65 Marine Parade.

C1.4 – Solar Access

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

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

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 subject sites southern boundary in order to maximise solar access to their own proposed alterations and private open space. Little to no regard, if any, has been given to the adjoining property to the south.

The owners of 65 Marine Parade have provided the following statement in relation to their concerns of solar access and their ability to enjoy their dwelling and open space areas.

We have one covered entertaining area, our front veranda which we always use, as it has the benefit of northern and western light. The addition of the second storey

will entirely block our Careel Bay view and also part of our district outlook. The extensions will also cause shadowing. This would impact our likely hood of using this area.

The bulk, height and scale of the proposed extensions and the impact on our home is huge. The design is disproportionately skewed to the southern side of the property. The continuous length of the southern façade of the home is just under 50m in length. This factor combined with the sloping topography of the lands means that in terms of either loss of amenity, privacy, visual impact, shadowing or view most parts of our home are negatively impacted.

Modifications to the proposal are sought to alleviate the overshadowing impacts.

C1.5 – Visual Privacy

The submitted plans, in particular the West Elevations are disingenuous in their representation of the proposed additions and their actual scale.

This elevation gives the impression that the development will site 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 component of the addition stands at a maximum RL of 53.485m AHD, some 6.215m above the ridge height of 65 Marine Parade. On top of this structure is a proposed terrace.

This structure will not only be overbearing from visual perspective, but also contribute to visual privacy concerns due to its elevated nature.

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

D1.9 – Side and Rear Building Line

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

It is noted that the existing development has a side setback of 900mm to the north and 1.7m to the south. The proposal however seeks to extend this 1.7m setback along a significant proportion of its southern boundary. Elements such as the access stair cover have a near to zero side setback.

It is requested that council consider applying the 2.5m setback to the southern elevation given its extensive wall length and elevated proximity to the adjoining property.

The owners of 65 Marine Parade are not adverse to the redevelopment of the adjacent property, they do however request that further consideration be given in the design as to the impacts on their property. Comments from the 65 Marine Parade are attached in Attachment A of this correspondence.

The development as proposed is considered to be of a scale that will dominate the locality and have detrimental impacts on 65 Marine Parade in terms of;

- Over Shadowing
- Privacy
- View Sharing
- Visual Domination and Visual amenity.

It is requested in its current form Council either refuse the application or seek a redesign that is more sympathetic to the natural environment and adjacent properties amenity.

In the event of a redesign, it is requested that a further opportunity to comment on any changes be afforded to adjacent residents.

Please do not hesitate to be in contact if you require clarification of any of the above issues.

Regards,
Leonard Allen
Untapped Planning

Attachment A – Submission Comments from 65 Marine Parade

Firstly, I would like to say that I am not against development. I have owned several properties on the northern beaches over the last 30 years and I have never objected to a proposed DA or to my knowledge ever objected to any proposal by the council. I am not against the Roots trying to improve their house. In this case, I feel very strongly that this proposal will be hugely detrimental to our family' life style, have a negative effect on the capital of my home and also scar the north Avalon escarpment with the scale of the planned development being visually noticeable across a large part of Avalon.

Our back yard

Our back yard is our joy. We have an established garden which we are constantly tending to, it is my escape, a place I go to garden and relax. We grow plants and vegetables and spend copious amounts of time there throughout the year. The overlooking and bulk of the proposed structure would affect the privacy and light in our garden. It would certainly negatively impact the inherent nature of our back yard and our use if it would have to change.

The cliff

We have extended the garden up to the cliff area where we also now have established gardens. We enjoy our times up there. It is the first place we take our guests. Both Australian and overseas guests are astonished as the view is simply breath taking. The 360 degree view stretches from the cliffs, down to the Pacific ocean and across to Careel Bay, Avalon and onto the sands of Avalon beach. You really feel apart of nature up there.

When we purchased the property, we were aware of the special zoning attached to it, 9b. As such, provisions have been made that do not allow any structure to be built on it. This acts as a form of protection to preserve its natural beauty. In addition to the no build clause the government goes further and offers the owner a buy back of the land. Both these factors clearly illustrate the high regard and sensitivity which the nsw govt places upon this land.

The development proposed by 67 Marine would hugely impact the outlook from this cliff top as the bulk, scale and height of the proposed development would be seen in its enormity. It would also interrupt our view of Careel Bay.

Currently if this proposal went ahead, from our cliff top vantage point, as private land, it would only be our family which would be negatively impacted. In the future, it is our intention to exercise the buy back option and therefore the amenity and value of this land to the public would also be negatively affected. The price we would receive would also be reduced. This is true for the properties at 69, 63 and 61 Marine Parade should they exercise their buy back options.

67 Marine has exercised its right for the buy back and the public land which now adjoins the rear boundary of 67 would be enormously affected with the building

of such a structure, particularly the back part where the viewing platform is. This public land, in terms of its view, shadowing, value and amenity, would be negatively affected. As a northern beaches resident and tax payer who uses this reserve and helped pay for the buy back, I strongly believe the negative impact of the proposed da on the rear reserve should also be taken into account.

Our back outdoor decked area

Our back outdoor entertainment deck is where we eat our dinners in good weather and the place where we entertain. We have enjoyed countless Christmases, Easters and birthdays on the back deck. It is hard to comprehend the huge impact the proposed Da would have on this area.

We would lose all sense of privacy with a viewing deck looking down on us. Not only this, we would have to look at a huge structure which given its height from our deck is extreme. The distance from our deck to the terrace is 9.67 metres, that is enormous.

Front Veranda

We have one covered entertaining area, our front veranda which we always use, as it has the benefit of northern and western light. The addition of the second storey will entirely block our Careel Bay view and also part of our district outlook. The extensions will also cause shadowing. This would impact our likely hood of using this area.

The bulk, height and scale of the proposed extensions and the impact on our home is huge. The design is disproportionately skewed to the southern side of the property. The continuous length of the southern façade of the home is just under 50m in length. This factor combined with the sloping topography of the lands means that in terms of either loss of amenity, privacy, visual impact, shadowing or view most parts of our home are negatively impacted.

The western façade elevation is broken down into 2 drawings where all other elevations are contained on one drawing. I believe this is done deliberately so the scale of the proposed building is not immediately obvious to neighbours who received their notifications. I have spoken to Matt Root, text him and emailed the architect to provide this drawing however as at 7/10/19 have still not received this.

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 viewing platform is 19.33m . This will be hugely visible throughout the area and overwhelming to live beneath. This vertical rise proposed by 67 would be 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 shadowing
- The loss of view
- Visual impact
- privacy

I am not wanting the Root's not to improve their property however I believe their plans are to the detriment of our property as well as being of a scale and visual prominence out of keeping with the street and the area.

Regards,
Lyndall Barry