
Sent: 31/07/2019 4:04:46 PM

Subject: DA Submission regarding Development Application No. DA2019/0699 at 19 Joseph Street, Avalon Beach

Attachments: DA Submission 19 Joseph Street.pdf;

Dear Sir or Madam,

Please find attached a submission prepared on behalf of my clients, Marc Alphandary & Catriona Munro of 17 Joseph Street, Avalon Beach, in relation to Development Application No. DA2019/0699 at 19 Joseph Street, Avalon Beach.

If you require an inspection of my client's property or any further information, please do not hesitate to contact me.

Kind Regards,

Fran Dargaville

Town Planner

m. 0404 626 165

31 July 2019

General Manager
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Attn: Megan Surtees

Dear Ms Surtees,

REFERENCE: DA2019/0699
ADDRESS: 19 JOSEPH STREET, AVALON BEACH

On behalf of my clients, Marc Alphandary & Catriona Munro of 17 Joseph Street, Avalon Beach, I would like to offer the following submission to detail my clients' concerns with regard to the unauthorised works at No. 19 Joseph Street, Avalon Beach, and in particular the impacts of the unauthorised carport in terms of bulk and scale when viewed from my clients' property and the potential for impacts to our property from the inadequate fire separation between the boundaries of the subject site.

My clients' property adjoins to the south-west of the subject site, and the access handle for the subject property is adjacent to the north-eastern elevation of my clients' dwelling, comprising the living room, kitchen and associated window openings, together with their outdoor entertaining area.

I have been requested by the adjoining neighbours to review the development application plans provided and have also undertaken an inspection of the site and the area in which the subject property is located.

Ordinarily, we would not raise concerns in relation to the construction of reasonable development; however in this instance we consider the impacts of the unauthorised, already constructed carport to be presenting an excessive and unreasonable impact on the amenity of my clients' property.

Of particular concern to my client is the bulk and scale of the unauthorised carport as it adjoins the south-western boundary of the site, substantially impacting the internal amenity of my clients' living room (Refer to Figures 2-8).

We note that the access handle of the subject site has a width which exceeds 4.5m. In our opinion, the opportunity existing for the construction of a suitable carport which achieves Council's minimum internal width standards (approx. 3m) and which can provide a setback to our common boundary (of at least 1m) which will assist in reducing the visual impact of the proposal and make allowance for a landscape contribution along the common boundary.

Accordingly, we request that the carport be amended to provide a minimum setback of 1.0m from the south-western boundary, with screen planting provided along the boundary.

These measures will substantially reduce the impact of the carport on my clients' internal amenity and will also allow for suitable horizontal separation to restrict the opportunity for fire to spread from the dwelling at no 21 Joseph Street to my clients' property via the intervening carport structures which are effectively providing a "bridge" between the properties.

Once the amended plans are available, I request on behalf of my clients that we be given the opportunity to review the plans and provide a further response.

Whilst the applicant is seeking to retain the unauthorised structure, it is important to note that if the carport was submitted to Council for approval prior to its construction, my clients would have had the opportunity to request a reasonable setback and boundary screening. Furthermore, the application would have been subject to Council's side boundary setback requirements.

In addition to the abovementioned planning issues, my clients would like to address the following matters outlined in the Statement of Environmental Effects prepared by Turnbull Planning:

- 2.2 The Statement of Environmental Effects suggests that the unauthorised carport is "an effective extension to the existing carport." However, the unauthorised carport is not an extension to the former existing structure. It is in a different location, with a different orientation, substantially greater in size, and whereas the old carport was set back more than 1 metre from the boundary, the new unauthorised structure provides a nil setback to the boundary. The unauthorised carport is therefore a new structure, which is distinctly separate to the existing carport.
- 3.2.2. The Statement of Environmental Effects suggests that the "carport and the additions to the dwelling house are setback from the boundary and are properly screened by vegetation." It is important to note that the carport is not set back from the boundary, as evidenced in the submitted plans. The vegetation screen between the unauthorised carport and my clients' property was pruned as part of the construction of the unauthorised works, such to render it obsolete as it is now transparent.

We welcome Council's specific consideration of these issues, and remain available to discuss any aspect of our submission and welcome the opportunity to discuss our concerns with Council. I would appreciate your early advice as to how the application is to proceed and we would appreciate the opportunity to further discuss the matter with staff prior to any final determination.

Should you require any further information with regard to the above, or require a site inspection of my clients' property, please do not hesitate to contact me on 0404 626 165.

Yours Sincerely,



Fran Dargaville
Town Planner



Figure 1: View of unauthorised carport from Joseph Street, facing south-east



Figure 2: View towards carport on subject site, looking north from No. 17 Joseph Street



Figure 3: View towards carport on subject site, looking north-east from the living room of the dwelling at No. 17 Joseph Street



Figure 4: View towards carport on subject site, looking north-east from the living room of the dwelling at No. 17 Joseph Street



Figure 5: View towards carport on subject site, looking north-east from the living room of the dwelling at No. 17 Joseph Street



Figure 6: View towards carport on subject site, looking north-east from the north-eastern side boundary at No. 17 Joseph Street



Figure 7: View towards carport on subject site, looking north from the north-eastern side boundary at No. 17 Joseph Street



Figure 8: View towards carport on subject site from outdoor entertaining area of No. 17 Joseph Street, looking north-east