

This DA Submission Form must be completed and attached to your submission.

RECEIVED AVALON

20 JUL 2016

CUSTOMER SERVICE

The Interim General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

(Fax No: 9970 1200)

DA No: N0279/16

Name: SUSAN HESSE

Address: 43 MARINE PARADE
AVALON BEACH NSW 2107

Phone: 0414 360117

Date: 18 JULY 2016

Proposed Development: Demolition of existing structures and construction of a new dwelling with detached garage

At: 41 MARINE PARADE AVALON BEACH NSW 2107

I have inspected the DA plans and related documents. I have considered them in the context of the relevant planning instruments or policies.

☒ Yes ☐ No

I am willing to provide expert reports to supplement my comments should a conflict in opinion arise.

☒ Yes ☐ No

I am willing to provide evidence to the Land and Environment Court if the application is appealed.

☒ Yes ☐ No

In the interests of public transparency please note that your submission in its entirety will be available to the applicant or other interested persons on request and will also be made available on Council's internet site through Council's transparent Development Application Tracking process. You are encouraged, as is the applicant, to discuss with each other any matters that may be of concern.

COMMENTS: (You may use the space provided or attach a separate document).

This application adversely affects our home.

The non-compliances in the application will cause us view loss. The NW corner of the proposed ground floor Dining Room + upper floor Robe do not comply with codes in the DCP + the front setback does not comply with the LEP. Both non-compliances will cause us to lose some of our filtered water views.

The photomontage shows our outlook towards the proposal. This is a vast expanse of dark brown brick + concrete - a barren wasteland out of character with the leafy surrounding area.

I attach two letters showing more detail, one from myself + one from my architect.

Name: SUSAN HESSE Signature: Susan Hesse Date: 18.7.16

Disclosure of Political Donations and Gifts (sec 147 EP&A Act 1979):

Please read the information enclosed concerning political donations and gifts disclosure and, if relevant, tick the box below and provide details of the donation or gift on the disclosure statement available on Council's website:

I have made a political gift or donation

☐

43 MARINE PARADE AVALON BEACH NSW 2107

18th July 2016

The Interim General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Attention Ms Rebecca Englund

Dear Sirs,

DA No: N0279/16 41 Marine Parade Avalon Beach

This is an objection to this application. I am the owner of the adjoining property 43 Marine Parade.

Much as I like my neighbours at No. 41 I have no option other than to object as their proposal affects our home so adversely.

1. We enjoy filtered ocean views through the trees especially from our living rooms and the proposal will cause us to lose some of the views. This view loss will occur only because the proposal does not comply with Council's Pittwater Development Control Plan 2012. Both the proposed ground floor Dining room and the upper level Robe at the north-west corner of the proposed house do not comply with the controls and will remove our view. In addition the house's front setback does not comply with the Pittwater Local Environmental Plan 2014 and so also causes view loss.
2. The photomontage which forms part of the application shows the view of the proposed house from our balcony. It shows a vast expanse of dark brown – the parking area, courtyard wall and house walls are all dark unpainted brick or concrete with only a tiny token planting bed between our house and the proposal. We even note that the bushes shown beside the driveway are on No. 39's land not on the subject site and so will not exist. The whole effect is a huge barren brown wasteland completely out of character in this leafy seaside suburb.

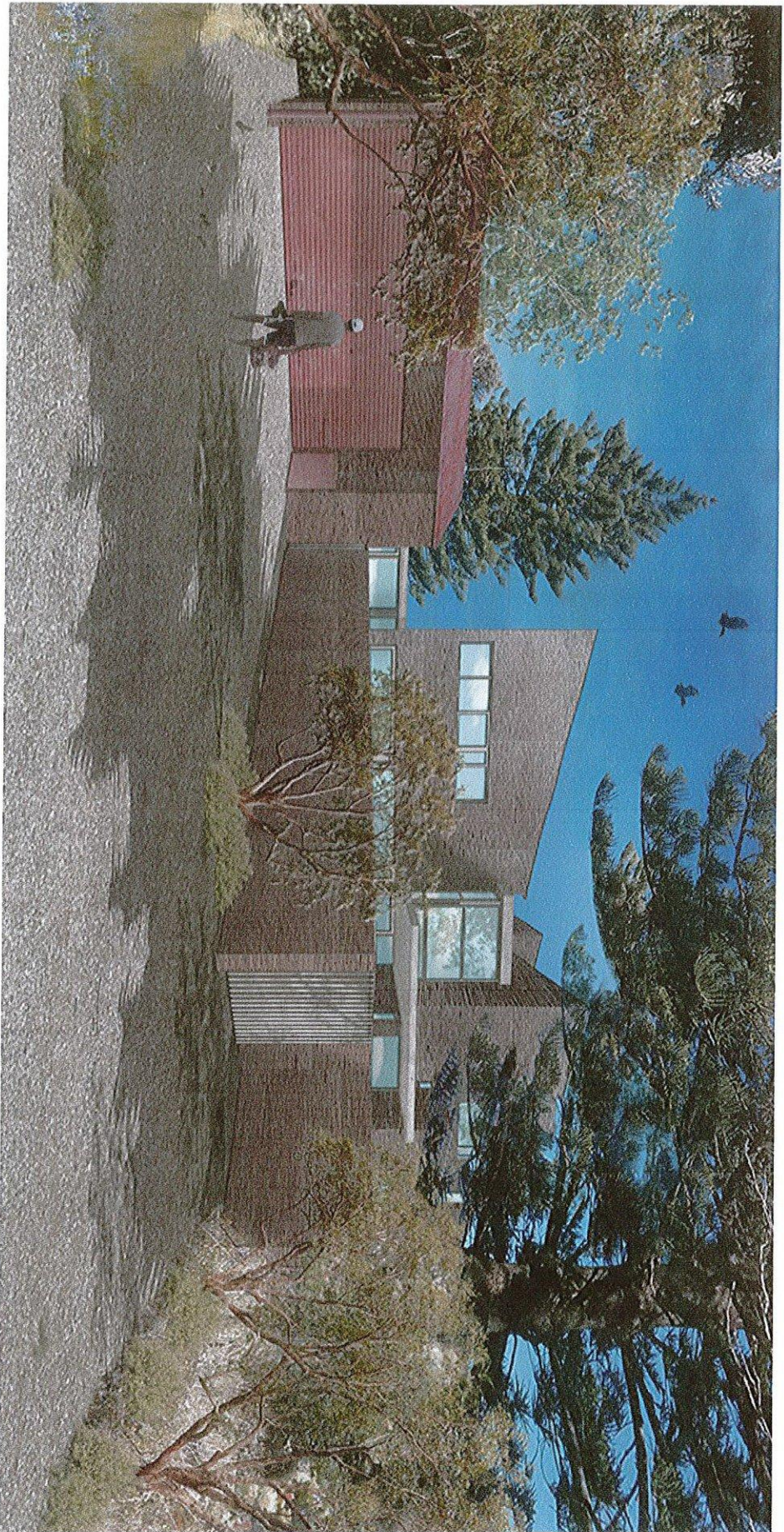
We are very upset about the proposal so I trust Council will consider my objections. I request that height poles be erected at the north-west corner of the proposed Dining room and Robe so that Council can fully assess the application. I am attaching a letter from my architect which outlines the non-compliances which will cause our view loss.

Yours faithfully,

Susan Hesse

Susan Hesse

Encl.



Michael Hesse and Associates Pty Ltd
architects and landscape consultants

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Telephone (02) 9360 3585
Facsimile (02) 9360 3719
Email info@michaelhesse.com

18th July 2016

The Interim General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Attention Ms Rebecca Englund

Dear Sirs,

DA No: N0279/16 41 Marine Parade Avalon Beach

This is an objection to this application on behalf of the owner of 43 Marine Parade, Susan Hesse. Her property is directly to the east of the subject property.

This is a complex application for the demolition of an existing house and in its place the construction of a new very large three storey house on a battle-axe block. Examination of the application reveals that the proposal will have an impact on the existing house at 43 Marine Parade with regard to view loss.

43 Marine Parade enjoys “whole views” of the interface between the Tasman Sea and Avalon Beach around to Bilgola Headland to the west and south-west over the adjoining properties No. 39 and the subject site No. 41. These views are obtained from the living areas on the upper level and bedrooms on the lower level. The possible view loss ranges from moderate on the upper level to minor on the lower level.

The subject land is zoned E4 Environmental Living under Pittwater Local Environmental Plan 2014 (the LEP) and the Pittwater Development Control Plan 2012 (the DCP) applies.

Clause D1.11 of the DCP sets out the control for the Building Envelope relevant to the subject application and the attached Diagram 1 indicates where an impact on view arises as a result of non-compliance with this control. The north-western corner of the proposal at ground floor level Dining Room and at upper level Robe penetrates the 45 degree plane by 2.9 metres in height and it is at this point that the view loss from 43 Marine Parade commences.

Clause D1.8 of the DCP sets out the control for the front building line for E4 Environmental Living at 6.5 metres or the established building line, whichever is greater, and Council applies this control to the front boundary of battle-axe blocks such as the subject block. The proposal shows a front boundary setback of 1.0m at the point of commencement of view loss from

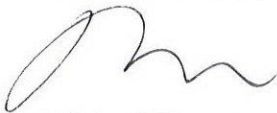
43 Marine Parade. If the proposal were to comply with this front boundary setback by rotating the building parallel to the southern boundary then the impact of view loss would be largely removed.

In the calculation of site area Clause 4.5 of the LEP states in subclause (4) Exclusions from site area "(a) Land on which the proposed development is prohibited, whether under this plan or any other law". However, it should be noted that the area of the subject site which is within the Foreshore Building Line Zone amounting to some 360m² has been included in the calculation of site area. This is contrary to Council policy.

The non-compliances with the controls contained in the DCP result in minor to moderate view loss to 43 Marine Parade and should be addressed by amendments to the proposal.

It is recommended that height poles certified by a Registered Surveyor be erected at the north-west corner of the ground floor Dining Room at the level of the junction of roof and wall and also at the north-west corner of the upper level Robe so that the impact of this view loss can be assessed properly on site.

Yours faithfully,
MICHAEL HESSE & ASSOCIATES PTY LTD



Michael Hesse

Encl.

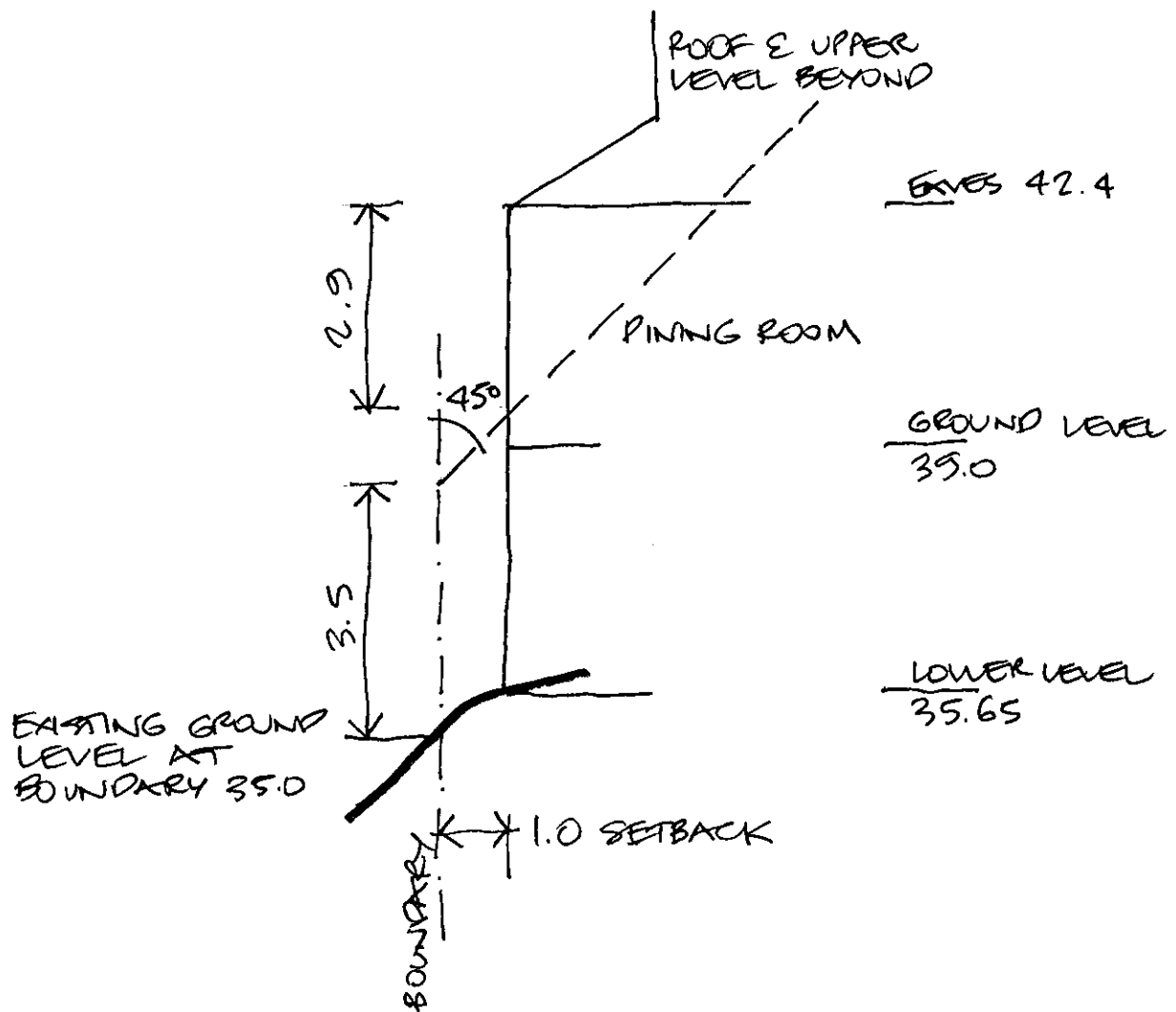


FIGURE 1 D.11 BUILDING ENVELOPE
NON-COMPLIANCE WITH THE
BUILDING ENVELOPE AT THE
NORTH-WEST CORNER