

Sent: Monday, 1 February 2016 2:29 PM
To: Council Mailbox
Cc: AAPLD512
Subject: Submission re Application No. PEX2014/0005

The General Manager

Attention: Strategic Planning - Submission re Application No. PEX2014/0005 regarding 184 Wyndora Avenue Freshwater

Thank you for the opportunity to provide a submission / comment regarding Application No. PEX2014/0005 pertaining to 184 Wyndora Avenue Freshwater.

Summary:

As a long-term property owner of ■ McDonald Street Freshwater, the height, scale, and intensity of use of the building erected on the lots referred to in Application No. PEX2014/0005 and known as 184 Wyndora Ave were factors considered when we purchased the property known as ■ McDonald Street, Freshwater. More specifically we considered the existing height and setback of the existing building, the existing one storey frontage to McDonald Street and setback from McDonald Street, and the existing flat roof provided access to a viewscape, and those existing structures / uses had a large influence on the price we were prepared to pay for the property, bearing in mind the role those existing structures would have in maintaining existing, and future asset value of our intended purchase. If 14 attached dwellings that are higher than the existing frontage and roofline of the building on 184 Wyndora Ave are constructed (as would be anticipated following approval by Council of a rezoning application and then a development application and plan) that will result in eliminating (a significant impact) between half to most of the existing viewscape east and south to the Pacific Ocean from properties on the western side of McDonald Street, and (foreseeably) significantly reducing the living amenity and economic value of the properties west of 184 Wyndora Ave – including ■ McDonald Street.

More specifically:

As an owner of ■ McDonald Street I object to the proposed rezoning, and the effects of the rezoning (when presumably approved) if approval of the rezoning application would facilitate: (a) approval of development plans which result in an increase in the height of the buildings above the current one storey height in relation to McDonald Street or two stories in relation to Wyndora Avenue – this would eliminate and have a significant impact on the existing views to the east from the western side of McDonald Street; or (b) if the approval eventually results in the construction (the potential / actual future construction pursuant to a development approval) of buildings higher or larger than the current building in regard to their (one storey) height above McDonald Street, or alters the scale of buildings with respect to the northern and western boundary closest to ■ McDonald Street (of the anticipated Torrens Title lots) – particularly the existing heights at the intersection of McDonald Street and Wyndora Avenue (one storey) which increased height / alteration would significantly adversely impact on property owners west of 184 Wyndora Ave – as the result of the device of rezoning to create in the future proposed Torrens Title lots underlying 14 ‘attached dwellings’ which would permit an increased height of buildings with respect to McDonald Street, or Wyndora Avenue, or Coles Road, and noting that ‘attached dwellings’ are subject to controls that do not permit dwellings to be located above another dwelling.

I object to the proposal if it results in an increase in the intensity of the land use, and the proportion / volume of the property occupied by buildings; or results in attached dwellings encroaching on the existing setback of buildings in relation to Wyndora Avenue, or McDonald Street; or the roofline of such buildings being constructed higher than the existing flat roofline which is a maximum of one storey above McDonald Street at the intersection of McDonald Street and Wyndora Avenue, or two stories above Wyndora Ave (lot 2 DP7912).

I object to the proposal if it has the effect of relaxing / removing height controls of one storey above the north-eastern corner of 184 Wyndora Ave currently exerted over the entirety of 184 Wyndora Ave by height limitations pertaining to Wyndora Avenue (and Coles Road) – i.e. If future Torrens Title addresses (resulting from an anticipated sub-division of the property now known and encompassed by 184 Wyndora Ave) are inscribed as McDonald Street addresses, and that ‘device’ thereby permits a higher building height across (presumably 14 attached dwellings) than is currently the case (currently the height is one storey with a flat roof) above McDonald Street as any resulting increased height would eliminate (have a significant impact upon) east-south views from the western side of McDonald Street. The effect of an increase in height above the current one storey above McDonald Street at its north-eastern corner, would be to eliminate up to half the existing easterly view from ■ McDonald Street (and presumably more of the view from dwellings located at 15-19 McDonald Street) - this would (foreseeably) be a significant adverse impact on dwellings, owners and occupants of properties known as 15-25 McDonald Street, including ■ McDonald Street, such that an approval with such an effect should not be recommended by Council Officers, nor given by Council.

The proposal to construct 14 attached dwellings – none on top of the other – is too many and will be too dense for land currently known as 184 Wyndora Avenue, which is not larger than the 4 lots (equivalent to approximately 5 standard width lots) currently fronting the western boundary of McDonald Street i.e. located immediately west of 184 Wyndora Ave (hence a request for rezoning has been made as proposed lot sizes will be smaller than currently permitted – for good reason); and which currently provide for a maximum of 5 unattached buildings across the equivalent land area, providing a maximum of 5 lower storey, and 5 upper storey dwellings on the western boundary of McDonald Street in the area that faces 184 Wyndora Ave. The maximum number of attached dwellings on proposed Torrens (not Strata) Title land proposed for 184 Wyndora Ave should be no more than five attached dwellings – limiting construction of buildings to not more than 5 dwellings would be consistent with the existing zoning instruments, and also ameliorate / mitigate significant adverse impacts on the viewscape, living amenity and peaceful enjoyment of properties that will otherwise be adversely affected by the proposed rezoning/development.

I object to the proposal if it would: reduce limited on-street parking in the area (typically families have more than 2 cars per household - and another possible 14 cars concentrated in the area would make on-street parking almost impossible) as on-street car-parking is already very difficult; reduce the amenability of the area to provision of services by Council (such as waste collection for which it is already very difficult to find a location to place waste bins beside the road for collection by the service providers); increase noise from traffic and construction; increase traffic density; or reduce the visual amenity of the locality – or the view-shed of existing dwellings including ■ McDonald Street; or reduce the peaceful enjoyment of property on McDonald Street. Currently the view-shed of ■ McDonald Street encompasses 180 degrees north to south and includes to the east views of the Pacific Ocean / Tasman Sea over Curl-Curl Beach, and Freshwater Beach in the Warringah Council area, and to Shelley Beach and North Head in the Manly Council area. I object to the proposed rezoning and future development if either of these acts results in 14 attached dwellings being constructed to a height greater than the existing building at 184 Wyndora Ave as such approvals would result in constructions / attached dwellings that would completely block existing views (from the western side of McDonald Street) of the Pacific Ocean in a 90 degree sector spanning due East to due South – and blocking those views would be a significant foreseeable and adverse impact of approving (without adequate controls) the rezoning application and future development applications and plans.

The effect of approving the Application No. PEX2014/0005 will also be to pave the way for increased disturbance in the local area during periods of construction – making it more difficult to rent and potentially reducing rent from ■ McDonald Street – this applies equally to other other properties in the vicinity of (the current) 184 Wyndora Avenue Freshwater.

I object to the proposal being governed by a ‘Voluntary Planning Agreement’ (VPA) if such agreement is not legally enforceable, or has been (apparently already) ‘agreed’ / foreseen through the acquiescence of Council Officers and will purportedly be enforced by those Officers without independent oversight and a capacity for independent enforcement powers.

The owners of property known as 2/17 McDonald Street have just this week sold their property which would also be adversely affected / impacted by the aforementioned factors, the proposed rezoning and anticipated approval of a development proposal for 14 attached dwellings which would flow from a recommendation to approve, and Council approving Application No. PEX2014/0005 and anticipated works flowing from a development application and plans (yet to be seen - being approved) pertaining to the affected lots, if the proposal to rezone the property known as 184 Wyndora Ave, and then develop the property with 14 attached dwellings were to go ahead.

Finally, it is a nonsense to be asked to comment on the impacts of Application No. PEX2014/0005 without having access to proposed plans or the voluntary planning agreement (VPA) for the property – these do not appear to be available (or could not readily be found / accessed) on your web-site – and for potentially affected residents / property owners the ‘staged’ approach of rezoning (without actual plan information) which when approved then provides the legal basis for a future (currently unknown but which can be anticipated) development application and detailed plan approval for the site – those anticipated plans will presumably seek to maximise the financial return to the owners of the properties underlying the attached dwellings, without adequately considering the impacts of the approvals on existing residents in and around McDonald Street, Freshwater, or providing any compensation for the loss to those residents / owners of the existing visual amenity and view-scapes, nor disruptions or losses to peaceful enjoyment of their dwelling / properties during and after construction phases.

Concluding remarks:

The current height restrictions applying across 184 Wyndora Ave provide for ample capacity of developers of that property to access views to the coast and a well-designed development (i.e. not higher than the existing building’s height of one storey at the properties north-west boundary of McDonald Street and Wyndora Ave) will not eliminate existing views of properties likely to be affected by the proposal (including rezoning / development application).

I request that the Council carefully considers submissions made by existing residents, and owners of properties that are affected by the proposal, and who will be adversely and significantly impacted by the effects of the decision, and does not approve any application that has the effect of providing the legal basis for building 14 attached dwellings to a height greater than the current one storey above McDonald Street at the northeastern corner and along the western boundary of the property currently known as 184 Wyndora Ave.

This objections is made by me [REDACTED] in my personal capacity as an owner, and as executor of the Estate of Valdemar Rupp (who recently passed away) and I request that my name, address and other personal information, is not made public, but the content of my objections may be made public in relevant reporting materials.

I will appreciate your acknowledgement of delivery of this email by return email. Thank you in advance.

Yours sincerely

[REDACTED]