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**From:** DYPXCPWEB@northernbeaches.nsw.gov.au  
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**Subject:** TRIMMED: Online Submission

22/07/2025

MS Jane Bennett  
- 20 Park St ST  
Collaroy NSW 2097  
[REDACTED]

**RE: DA2025/0888 - 21 Park Street COLLAROY NSW 2097**

Submission in relation to DA2025/0888

Jane Bennett and David Slip  
20 Park St  
Collaroy NSW 2097  
20 July 2025

Dear Northern Beaches Council Planning and Development team

We are writing to register our objection to the recent submission of DA2025/0888 for demolition and building of a house at 21 Park St Collaroy.

We have no objection to the swimming pool plans as previously approved. However there are several elements of DA2025/0888 that we object to in relation to the building height and design of the proposed house.

1. Plans are not compliant with WLEP2011 building height requirements of 8.5m. The submitted drawings also take the 8.5m envelope from an estimated natural slope rather than the existing excavated ground levels, which distorts the building envelope in favour of the applicant and results in an underestimation of the deviation from compliant levels. We do not support any approval of this non-compliance.
2. The Four Towns report accompanying the proposal has assessed the merit of the design in relation to neighbouring structures in Stuart Street, which fall under a different zoning and should be irrelevant to the assessment of this proposal.
3. In comparison to existing homes in Park Street the design is quite imposing with its white stucco, expansive windows and flat roof. The only mitigating feature is the fact that it sits in a gully and is not overlooked from the street, but it will form a major feature of our view to the east, as it will for our neighbours and the public park along the escarpment at Collaroy Plateau. Our outlook will be a large flat roof covered in reflective solar panels and HVAC equipment working hard to climate control a house that is not designed for energy efficiency with large south facing windows and a three storey void. We have concerns over the potential noise impact of the HVAC for this design as well as the visual impact, loss of privacy and impact on the scenic nature of our (and neighbours) view. Angled solar panels to the east and

north make sense and would not be a visual impact for neighbours in those directions, however because we overlook the site and the roof is flat rather than skillion or pitched, the visual impact would be high. The 'densely vegetated' council reserve is largely weed infestation on an unstable slope and should not be considered a visual buffer as it is not high enough to shield us. We do not consider the proposed development 'visually pleasing'.

4. Stormwater and drainage assessments have not considered the stormwater overflow that occurs in Park Street during times of unseasonal rain. These events have become more frequent and council should have records of road repairs relating to subsidence of Park Street when water flows have eroded the slope above 21 Park Street. Boundary retaining wall structures and seepage/drainage should be considered. Underground and above ground water flows from the escarpment watershed can be very high and drain mostly through 21 Park St. Many houses to our south have sump pumps installed for this reason. The applicants may want to consider this in their planning.

We acknowledge the content of the report requesting the variation to Clause 4.3 of Warringah LEP 2011, though find many of the conclusions of the report somewhat subjective and open to dispute.

For example, Clause 4.6 states:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that-

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

We do not consider that Clause 4.6 (3) (a) has been met. There is an existing three storey house on the site and the necessity to exceed that building profile has not been demonstrated. It is not unreasonable to expect that a demolition and rebuild could be achieved that expands the living area through design that doesn't require an exemption. This spatial inefficiency in design could be modified to achieve compliance as well as better energy efficiency. I know council is not well resourced by planning instruments to achieve energy efficiency but we wish you were!

It is also not clear whether the rooftop area will be gravel with solar panels and an HVAC 'technical terrace', as per the plans, or navigable rooftop terrace entertaining area with glass balustrading, as suggested by the Four Towns report p.9.

The proposal is centred around a large central staircase and void which pushes the habitable areas outside the compliant envelope. There is already an increase in the footprint of the proposed house on the block so it is not clear why the variation for height is required. It also proposes a navigable roof terrace with glass balustrading and staircase which suggests a fourth storey entertaining deck. It is not clear why this is necessary given the ample entertaining area by the pool.

We also don't consider that the proposed structure is 'consistent with the built form character of the area'. Most of the houses in Park Street are weatherboard cladding and there are only a few masonry dwellings, none of them in white stucco with large arched windows. This style may be more consistent with Collaroy Basin. Plateau or waterfront areas but is inconsistent with the more modest and discreet dwellings in our street. Of course the owners are welcome to bring their own style but to suggest it is consistent with current dwellings is a stretch.

The Four Towns report provided requesting a variation seems to interpret the burden of proof regarding compliance being 'unreasonable or unnecessary' as resting with council and has

not provided any evidence to demonstrate why compliance would be onerous for the applicant and therefore 'unreasonable or unnecessary'. The tone suggests that variation approvals should be the norm rather than the exception.

However much case law quoted by a planning consultant may be viewed to favour the applicant, each application must surely be assessed on its merits and on a case by case basis. This proposal is for a residential three bedroom dwelling in a quiet cul-de-sac and is a single family dwelling, replacing an existing single family dwelling. As such it is not contributing to 'enhanced housing options' in any substantive way apart from spaciousness, modernisation and style.

Please consider these views in the spirit in which they are offered, to offer support to council's role in upholding the WLEP2011, specifically in relation to each of the stated objectives of Clause 4.3, especially (1) (c) which relates not so much to height but to compatibility and harmonious development in the coastal and bushland setting that we are so fortunate to enjoy.

#### 4.3 Height of buildings

(1) The objectives of this clause are as follows-

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Thank you for your consideration of this submission in making your determination.

Yours sincerely

Jane Bennett and David Slip

Please note we are overseas from 25 July to 6 September 2025

Email communication preferred