

---

**Sent:** 28/01/2020 4:13:21 PM  
**Subject:** Re: 41-43 Beach Road Collaroy NSW 2097 DA 2019/1522 WRITTEN SUBMISSION:  
LETTER OF OBJECTION Submission: Dorsen  
**Attachments:** 280120 35 Beach Road WS.docx;

**Mrs Jan Dorsen**

**35 Beach Road**

**Collaroy**

**NSW 2097**

**28 January 2020**

**Chief Executive Officer**

**Northern Beaches Council**

**725 Pittwater Road**

**Dee Why NSW 2099**

**Northern Beaches Council**

[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

**Dear Chief Executive Officer,**

**Re: 41-43 Beach Road Collaroy NSW 2097**

**DA 2019/1522**

**WRITTEN SUBMISSION: LETTER OF OBJECTION**

**Submission: Dorsen**

**Please find attached an objection by way of a Written Submission to DA 2019/1522.**

**Mrs Jan Dorsen**

**35 Beach Road**

**Collaroy**

**NSW 2097**

**Mrs Jan Dorsen  
35 Beach Road  
Collaroy  
NSW 2097**

**28 January 2020**

**Chief Executive Officer  
Northern Beaches Council  
725 Pittwater Road  
Dee Why NSW 2099**

**Northern Beaches Council**  
[council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

**Dear Chief Executive Officer,**

**Re: 41-43 Beach Road Collaroy NSW 2097  
DA 2019/1522**

**WRITTEN SUBMISSION: LETTER OF OBJECTION**  
**Submission: Dorsen**

This document is a submission by way of objection to DA 2019/1522 lodged under Section 4.15 of the EPAA 1979 [the EPA Act]

The DA seeks development consent for the carrying out of certain development, namely:

*“Consolidation of two lots into one, demolition works and construction of a dwelling house including a swimming pool.” Construction value: \$5.8m*

The southern boundary and part of the west boundary of the subject site forms a common boundary with my property at 35 Beach Road, Collaroy. [72 DP 791319]

This Written Submission will address the following matters:

1. Introduction

Characteristics of Objector's Property  
Matters of Concern

2. Site Description

3. Proposed Development

4. Misleading Information & Outstanding information

5. Statutory Planning Framework:

**WLEP**

**Principal Development Standards:**

Clause 4.3 Height of Building  
Clause 4.4 Floor Space Ratio  
Clause 4.6 Exceptions to Development Standards  
Clause 6.2 Earthworks  
Clause 6.4 Development on Sloping land  
Clause 6.5 Coastline Hazards

**WDCP**

**Part A**

A5 Objectives

**Part B Built Form Controls**

B1 Wall Heights  
B3 Side Boundary Envelope  
B9 Rear Boundary Setbacks

**Part C Siting Factors**

C7 Excavation and Landfill  
C8 Demolition and Construction

C9 Waste Management

**Part D Design**

D6 Access to Sunlight

D7 Views

D8 Privacy

D9 Building Bulk

D10 Building Colours and Materials

D11 Roofs

D12 Glare and Reflection

D15 Side and Rear Fences

**Part E The Natural Environment**

E1 Preservation of Trees or Bushland Vegetation

E2 Prescribed Vegetation

E4 Wildlife Corridors

E5 Native Vegetation

E7 Development on land adjoining public open space

E9 Coastline Hazard: Coastline Hazard & Area of Wave Impact &  
Slope Adjustment [borders SE corner]

E10 Landslip Risk

6. Statement of Environment Effects Rebuttal

7. Clause 4.6: Non Submission

8. NSW LEC Planning Principles

9. Proposed Conditions of Consent to any Approval

Massing Envelope Reductions

Privacy Measures

Structural Adequacy, Excavation Work, Retaining Wall

Property Boundary Levels

Works in close proximity to the allotment boundary

Vibration

10. Conclusion

Appendix A; More Skilful Design

Appendix B; Site Photographs

## Introduction

I write to submit my Written Submission to object to the above DA.

The proposed development is considered to be inconsistent with the outcomes and objectives of the relevant legislation, plans and policies.

The DA scheme submitted requires to be substantially amended, and I ask Council to request that the Applicant submit Amended Plans to overcome the issues raised in this objection.

If the Applicant does not undertake a resubmission of Amended Plans to deal with the matters raised in this objection, then I ask Council to either heavily condition any approval, or simply issue a refusal.

In this Written Submission I list the conditions that I wish Council to consider in any approval.

## **Characteristics of my Property**

My property is located to the south west of the subject site, with an access way to the beach along the subject sites southern border.

Key aspects of my property are as follows:

My property has a link to the south of the subject site directly to the oceanfront. The levels at the common boundary rise from **RL 4.24, RL 5.64, and RL 7.40** along the southern boundary, according to the Applicant's survey plan.

Living Zones, Bedrooms, a Study and Deck face the east towards the ocean breeze, the morning winter sunshine, the views, and the subject site.

It is a very special environment that my family, my departed parents and grandparents have experienced and enjoyed for many, many years.

The single storey accommodation is generally at RL 10.65, with window heads at RL 12.77. The deck and lawn areas immediately in front of the accommodation are at similar levels at RL 10.65, before the land drops away down a steep embankment towards the east. Along the southern common boundary to the subject site, the land then falls from RL 9.28, to RL 7.40, to RL 5.64, then to RL 4.24 [survey] by the ocean gate to the east.

My house is undeveloped to LEP & DCP controls, and once my property is redeveloped, ocean views would be available from #35 Beach Road between the subject site at #41 Beach Road and the neighbour at #29 Beach Road.

Privacy between the existing dwelling on the subject site at #41 Beach Road and my property at #35 Beach Road is excellent, with little overlooking.

Solar Access over the existing subject site, and in particular the existing dwelling at #41 Beach Road, gives excellent winter sunshine into my east facing principal private open areas, and to my highly used Living Room, Kitchen, Dining, Bedrooms, Study and Deck.

### **Matters of Concern**

The proposal will result in view impacts, privacy loss and overshadowing.

I am concerned that these impacts will negatively impact my property's financial value, reduce the future amenity, and reduce the level of amenity currently enjoyed.

The following aspects of the proposal are of concern:

- The extent of the proposed building envelopes<sup>[L1]<sub>SEP</sub></sup>
- The siting and extent of the proposed dwelling without having sufficient consideration for maintaining view corridors, solar access and privacy, caused by non-compliant envelope.
- The structural adequacy of the retained sandstone retaining wall close to but not on the southern boundary
- The removal of protected trees, particularly Tree 11, and the risk that the Norfolk Island Pines to the east may be lost due to the excessive 4.5m deep basement across the full width of the site, and in the TPZ.
- Excessive vibration and other poor environmental outcomes caused by the excavation of over 2250 cub m of rock and spoil.
- 5.2m high side southern boundary fence, that will create a two storey wall to the south-east corner, and to my ocean beach entry, and the 15m high roof structures at RL 19.0 & 19.7 above the south east corner existing ground levels at RL 4.24 projecting towards the south east

corner, and the unacceptable environmental outcomes to the public domain to this sensitive beachside location, and to neighbours.

I provide further details of these matters below and request Council's close consideration of these in the assessment of the application. [SEP]

My main concerns are non-compliant development leading directly to amenity losses including:

- View Loss
- Overshadowing
- Privacy
- Noise/Vibration
- General Impact
- Height, Bulk & Scale
- Structural Adequacy, Excavation Work, Retaining Wall
- Sub-Soil Seepage
- On-Site Stormwater Management Details
- Stormwater Disposal
- Property Boundary Levels
- Works in close proximity to the allotment boundary
- Vibration

Prior to the submission of the DA by the Applicant, the Applicant did not have any prior consultation with me.

I am concerned that the SEE has failed to properly address my amenity concerns, is suggesting that the DA accords with LEP & DCP controls when it clearly does not, and does not present a Clause 4.6 Application request despite non-compliance to LEP controls.

The SEE fails to identify what I believe to be incorrect Ground Levels [Existing], and relies upon the drawings as being accurate. I am concerned that there has not been a simple check by the author of the SEE to assess the accuracy of what they rely upon.

I believe that the SEE is therefore flawed, and presents further incorrect information, based upon the misleading drawings. This is based from the measurements clearly reported on the Applicant's Survey Plan

I therefore strongly question and dispute any sketches and perspective artwork that have been submitted to support the application, as it is to believe

that if measurements are inaccurate, and the Survey Levels have not been shown correctly, then all of the supporting evidence could therefore be incorrect, and should be verified and rectified.

The non-compliance to residential controls represents considerable overdevelopment:

- **Wall Height +30% to the Southern Wing**
- **Height of Building +11% to the Southern Wing**
- **Side Boundary Envelope Significantly Outside Envelope by over 5.8m along southern boundary**
- **Rear Setback Dwelling & Deck +56%**

The subject site is over 1544sqm, and there is no reason, unique or otherwise why a fully compliant solution cannot be designed on the site. That is all I ask: a fully compliant scheme.

I accept that a compliant envelope will bring changes to my amenity outcomes, but I do not consider it at all reasonable to have to accept that non-complying development will rob me of my amenity. I object most vigorously.

I am being advised by a highly experienced consultant to assist me in this matter.

This letter of objection will detail my concerns, and my amenity losses that have arisen as a direct result of the non-compliance to controls.



## Site Description

The site is described within the Applicant's SEE:

I bring to Council attention:

### **Site levels**

The levels at the southern boundary rise from **RL 4.24, RL 5.64, and 7.40** along the common boundary. The land then steeply rises from the southern boundary to a contour level of RL 11.0 and RL 12.0 on the subject site.

These levels have not been represented on the Applicant's drawings correctly, and in the envelope control diagrams.

The existing sandstone wall on the subject site parallel but not on the southern boundary is in a poor state of repair, and potentially structurally inadequate and unsound.

The southern common boundary sits to the south of this existing sandstone wall on the subject site.

## Proposed Development

The proposed development is described within the Applicant's SEE:

Poor attention has been given to the topography and environmental value of the land with the dwelling failing to step down the steep slope from the RL 11m and RL 12 contour to the RL 4m contour, and to the rear setback zone.

The design and built form outcome is not responsive to context and unacceptable built form and poor amenity outcomes.

When assessed against the prescribed outcomes of the various built form controls the overall outcome presents poor performance of the proposed development.

My particular concern is to the non-compliant southern wing of the development, eastern wing setback, and the excessive 500sqm, 4.5m deep basement.

The SEE fails to state that the southern wing of the proposed development presents substantial non-compliance of Wall Height, Height of Building, Side Boundary Envelope and Rear Setback controls.

The SEE fails to adequately address amenity impacts of the non-compliance of the east wing.

The SEE fails to justify the 500sqm, 4.5m deep basement, and the obvious poor environment outcomes.

## Misleading Information & Outstanding information

### **Existing Ground Levels**

I bring to the attention of Council that the Applicant has not represented the Existing Ground Levels from the Applicant's Survey, correctly onto the DA drawings, in particularly Plans, Elevations and Sections.

The misrepresentation of Existing Ground Levels from the Applicant's Survey has led to the maximum building height, wall heights, side boundary envelopes being shown in a misleading way.

I ask that Council insist that the Applicant positions on each Plan, Elevation and Section the precise Existing Ground Levels from the Applicant's Survey by LTS and to adjust the maximum height envelope accordingly.

The levels at the boundary rise from **RL 4.24, RL 5.64, and RL 7.40** along the southern boundary and these boundary levels are required to be positioned for determination of side boundary envelopes. The 4m control + 45 degree angle needs to be considered at each of these three survey marks, with sectional detail to ensure strict compliance.

Survey levels under every major roof form need to be identified on proposed plans, so it is clearly evident that the Height of Buildings and Wall Height controls have been properly assessed from the Surveyor's individual survey RL marks on the LTS survey.

If the Applicant relies upon false and misleading information, then I reserve my position on the validity of any future approval, and I reserve my right to challenge the validity at any time. There are also very severe penalties and enforcement powers under the Environmental Planning and Assessment Amendment (Offences and Enforcement) Regulation 2015 (Amending Regulation) that the Applicant and his Consultants should be mindful to.

### **Height Poles**

I ask Council to request that the Applicant position 'Height Poles' to define the non-compliant building height and building envelope, and to have these poles properly measured by the Applicant's Registered Surveyor, LTS.

The Height Poles will need to define at the non-compliant southern wing:

- The Roof Forms over the First Floor, clearly locating the four corners of the eaves at RL 19.0, and the pop-up roof at RL 19.7, rising over 15m from the SE corner of the site.
- The Roof Forms over the Ground Floor, clearly locating the south-east corner, and all roof levels as they alter along the southern boundary, leading through to the south west corner of the subject site.
- The Roof Forms over the Ground Floor facing the eastern reserve.
- The proposed fence at 5.2m high at the southern boundary at the southeast corner, and along the southern boundary

The Applicant will have to identify what heights are proposed as many are missing from the submitted DA drawings.

The incorrectly represented Existing Ground Levels gives me great concern that other 3D montages could be equally shown as incorrect.

I require these height poles to fully determine view loss, privacy, solar access, visual bulk, and height/bulk/scale issues.

### **Statement of Environmental Effects**

There are multiple inaccuracies, particularly relating to non-compliant elements that have not been addressed.

There has not been any adequate view loss consideration, privacy consideration, and an incomplete overshadowing analysis, contrary to DCP controls.

### **Request to Vary a Development Standard**

Development Consent cannot be granted as no Clause 4.6 has been submitted addressing the non-compliant Building Height and FSR, contrary to LEP controls.

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.

## **Survey Plans**

The survey has not been completed to accurately depict 35 Beach Road in plan and elevation, with all window openings to assess solar loss, contrary to DCP controls.

## **Site Analysis**

View loss, overshadowing and privacy loss has not been properly addressed within the Site Analysis, contrary to DCP controls.

## **Excavation and/or Fill Plan**

These plans are not fully dimensioned, and require full dimensions to common boundaries to ensure future compliance, contrary to DCP controls.

The proposed excavation at the south-east corner is not shown on the drawings, contrary to DCP controls.

This excavation would be required to deliver access to the beach zone to the east as proposed. The stability of the sandstone wall after this excavation is of great concern.

## **Site Plan**

The site plan does not adequately dimension every proposed built form to the common boundary, and requires full dimensions to ensure future compliance. This is contrary to DCP controls.

## **Floor Plans**

The floor plans and roof plans do not adequately dimension every proposed built form to the common boundary, and requires full dimensions to ensure future compliance. This is contrary to DCP controls.

## **Elevations & Sections**

There are multiple roof forms that do not have RL levels, to accurately record what is being proposed. The concrete roof structure has little or no levels

stated. All drawings require full dimensions and levels on every extremity to ensure future compliance. This is contrary to DCP controls.

### **Waste Management Plan Construction & Demolition**

Excavated Material has not been estimated. This is contrary to DCP controls.

### **Certified Shadow Diagrams**

Survey work on windows and doors at 35 Beach is incomplete. Shadow Diagrams have not been prepared for 35 Beach Road. An elevation study is outstanding, showing the difference between a compliant envelope and the proposed non-compliant envelope. This is contrary to DCP controls.

### **Landscape Plan & Landscape Design Statement**

The precise detail of the planting along the southern boundary is unclear. This is contrary to DCP controls.

### **Arborist Impact Assessment Report**

No consideration has been made on the considerable effect of the massive 500sqm basement, 4.5m deep, and the depletion of water filtering through the subject site, giving ground water and nutrients to the two large Norfolk Island Pines to the east. This is contrary to DCP controls.

### **Photo Montage**

No photo montage is provided of the non compliant development from the public domain to the south east [from my beach entry gate zone] or from the south west [from my Living Room & Deck]. The visual bulk of the non-compliant envelope would be clearly on display if the Council requested montage views to be submitted.

## Statutory Planning Framework

The statutory planning framework is generally described within the Applicant's SEE.

I do not intend to repeat every clause from Council's LEP & DCP, but wish to emphasis the main non-compliances to the planning controls, and identify the amenity losses that are directly attributable to that non-compliance.

As NSW LEC Planning Principles state:

*How much of the impact is due to the non-complying elements of the proposal?*

*Are the impacts consistent with impacts that may be reasonably expected under the controls?*

**There is very significant non-compliance:**

- **Wall Height +30% non-compliance**
- **Height of Building +11% non-compliance**
- **Side Boundary Envelope Significantly Outside Envelope by over 5.8m along southern boundary**
- **Rear Setback Dwelling & Deck +56% non-compliance**

**The amenity loss is directly attributable to the non-compliance**

The subject site is over 1544sqm, and there is no reason, unique or otherwise why a fully complaint solution cannot be designed on the site.

## **WLEP**

**Principal Development Standards:**

### **Clause 4.3 Height of Building**

The Southern Wing exceeds the 8.5m control.

The South East corner of the Southern Wing presents a roof at RL 19.0, with the existing ground level at RL 9.56 [survey: pool concourse]. This delivers a building height of **9.44m.** This is contrary to LEP controls.

The upper roof detail of the Southern Wing at RL 19.7 and is also over maximum height of building. This is contrary to LEP controls.

The proposed development fails to meet the Objectives of this clause:

- (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.*

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.

#### **Clause 4.4 Floor Space Ratio**

The calculation of FSR is understated.

The area at the ground floor at the western end of the southern wing, is enclosed on three sides with a roof above. This element adds to the bulk of the proposal and must be included within FSR. The Playroom also needs to be included.

The vast 500sqm basement also needs consideration by Council in respect to excessive area outside of a normal double garage entitlement.

The FSR exceeds the control stated in the SEE.

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.



## **Clause 4.6 Exceptions to Development Standards**

Development Consent cannot be granted as a Clause 4.6 written request has not been submitted addressing the non-compliant Building Height and FSR. This is contrary to LEP controls.

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.

## **Clause 6.2 Earthworks**

I contend that the DA fails the major objectives of this control in 1a, and 3a, 3d and 3g:

*(1a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

*(3) Before granting development consent for earthworks, the consent authority must consider the following matters*

*(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

*(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*

*(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The substantial extent of the earthworks will have a detrimental impact on environmental functions and processes, neighbouring uses, and features of the surrounding land.

I am concerned on the likely disruption, or any detrimental effect on, existing drainage patterns and soil stability in the locality.

I am concerned that the water flows to the Norfolk Island Pines to the east will be significantly threatened.

I am concerned on the intensity and extended programme to extract and recover vast amounts of excavated material and bedrock from the proposed development, and the massive number of truck movements to extract this considerable amount of spoil.

The excavated material within the Waste Management Plan has not been estimated contrary to NBC controls. An approximate area of the basement and ramps exceed 500sqm, 4.5m deep, so the anticipated volume would be 2250 cub m or more. This would require 100's of heavy excavation truck movements into the quiet neighbourhood.

The continuous vibration from many, many months of excavation would be intolerable, and totally unreasonable. Vibration would make many neighbours house unliveable during this extensive excavation period. I am concerned to the damage to my old house with fragile period features.

The noise would be horrendous, and not only affect neighbours, but also the amenity of those at the nearby ocean pool, beach and other ocean side public domain zones.

I am also concerned that the geotechnical report suggests that the nearest test bore to my property [Bore No 5] did not find adequate bearing capacity until at least 2.2m below surface level, with low strength siltstone, silty clay, fill and topsoil above. I am concerned that the older houses like mine at 35 Beach may only be founded on strata with low bearing capacity that will be more highly prone to vibration damage. This makes a lower vibration control to 2.0 to 2.5mm/sec more highly required.

This is all contrary to LEP controls.

#### **Clause 6.4 Development on Sloping land**

I contend that the DA fails the major objectives of this control in 1a, 1b, 1c:

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

*(a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*

- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

Poor attention has been given to the topography and environmental value of the land with the dwelling failing to step down the steep slope from the RL 11m/12m contour to the RL 4m contour.

I am concerned to the works being undertaken adjacent to the southern boundary sandstone wall. I am very concerned to the structural adequacy of the wall after extensive vibration from excavation near the structure, as well as the excavation adjacent to the wall, not noted within the excavation plans, that would be required to gain access to the beach zone at the south east corner. I ask for the structure to be rebuilt to ensure structural integrity.

I am concerned no study has been carried out to assess the altered subsurface flows that will inevitably arise from the construction of a 500sqm, 4.5m deep basement across the entire width of the site. I am concerned that the altered subsurface flows may affect my property, being at the low side of the subject site. Will excess sub surface water run along the basement walls zones to the south, and deliver unacceptable outcomes to my property?

This is contrary to LEP controls.

### **Clause 6.5 Coastline Hazards**

I contend that the DA fails the major objectives of this control in 1a, and 1d:

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

- (a) to avoid significant adverse impacts from coastal hazards,*
- (d) to preserve and protect Collaroy Beach, Narrabeen Beach and Fishermans Beach as national assets for public recreation and amenity.*

I am concerned of the impact to the proposed South East corner of the development from wave impact, and the acceptability of reliance on an old sandstone wall of unknown structural capability. This is contrary to LEP controls.

## WDCP

### A5 Objectives

#### A5 states:

*“The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability.”*

In these proposals the local amenity and environmental outcomes would be severely challenged by non-compliant envelope, excessive basement, and poor outcomes to neighbours and to the coastal environment.

This is contrary to DCP controls.

The other objectives of this plan that these proposals fail against are:

- To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- To achieve environmentally, economically and socially sustainable development for the community of Warringah*

I contend that the development does not respond to the characteristics of the site, particularly the non-compliant envelope to the southern and east wings of the sizable dwelling.

The new development is not a good neighbour as the development causes considerable amenity loss of overshadowing, privacy loss, and view loss. It presents considerable visual bulk concerns to neighbours and to the public domain.

The area is particularly environmentally sensitive, and I am concerned that the excessive basement could bring harm to the Norfolk Island Pines, removes native trees, and brings considerable overdevelopment exceeding multiple controls. It is a visually intrusive development particularly to the neighbours to the south, and the public domain to the east and south-east, presenting non-compliant envelopes to both sides.

It is difficult to consider the proposed development is environmentally sensitive when the amenity outcomes to both neighbours and the public domain are so extremely poor.

**B1 Wall Height**  
**Control 7.2m**  
**Proposed 9.34m**

I contend that the DA fails the major objectives and requirements of this control:

***Objectives***

- To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*
- To provide a reasonable sharing of views to and from public and private properties.*
- To minimise the impact of development on adjoining or nearby properties.*
- To ensure that development responds to site topography and to discourage excavation of the natural landform.*

***Requirements***

*Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).*

The Southern Wing does not comply with the wall height control on the southern and western elevations.

The proposed Wall Height of the Southern Wing at ground level and first floor at the south-east corner is over the control.

The drawings showing the wall height are false and misleading.

The top of wall under the concrete eave at ground level is not shown with any RL level. Scaling from the South Elevation drawing gives a level at 15.6m. The natural ground level at this location from the survey is RL 7.58. This gives a wall height of **8.02m**.

The objectives have clearly not been met.

The visual impact from adjoining properties and from the ocean fronted public recreational zones is one of a massive visual bulk, with a proposed building to a height of RL 16 and RL 19 above the south east corner of just over RL 4. The roof forms will dominate the views from the south-east and the view from my property to the south west. The non-compliant wall height directly causes this loss.

The proposed development does not allow me to share the views of the public recreational zones that I currently enjoy. It also takes away ocean views from any second floor built on my property. The non-compliant wall height directly causes this loss.

The proposed development does not minimise the impact of development to my adjoining property, as it creates solar loss, privacy loss, view loss, and considerable visual bulk. The extensive excavation is also of great concern due to excessive vibration, and potential effects on the Norfolk Island Pines.

The proposed development does not respond to site topography and does not discourage excavation of the natural landform. The site topography to the southern end has not been properly addressed, leading to massive non-compliance and devastating visual bulk. The design has not discouraged excavation of the natural landform: it has taken one enormous hole out of the natural landform that could never be replaced.

The proposed walls exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building.

This is contrary to DCP controls.

The First Floor wall height is not shown with any level. Scaling from the South Elevation drawing gives a level at RL 18.9m. The natural ground level at this location from the survey is RL 9.56. This gives a wall height of **9.34m**.

This is contrary to DCP controls.

This non-compliance in conjunction with the side boundary envelope non-compliance will result in a significant bulk and scale imposing on the private open space of neighbours and the public domain.

There is a significant concern over the view loss, overshadowing and privacy loss as a result of this element.

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.

### **B3 Side Boundary Envelope**

#### **Control 4m**

#### **Proposed: Significantly Outside Envelope by over 5.8m**

I contend that the DA fails the major objectives and requirements of this control:

#### **Objectives**

- *To ensure that development does not become visually dominant by virtue of its height and bulk.*
- *To ensure adequate light, solar access and privacy by providing spatial separation between buildings.*
- *To ensure that development responds to the topography of the site.*

#### **Requirements**

*Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres*

The development does become visually dominant by virtue of its height and bulk. As mentioned earlier a height and bulk of a development that rises to RL 19 from RL 4 at the south-east corner, in total defiance of this control, will present a massively visually dominant outcome, purely by virtue of its height and bulk.

The development does not ensure adequate light, solar access and privacy by providing spatial separation between buildings. Devastating outcomes of solar

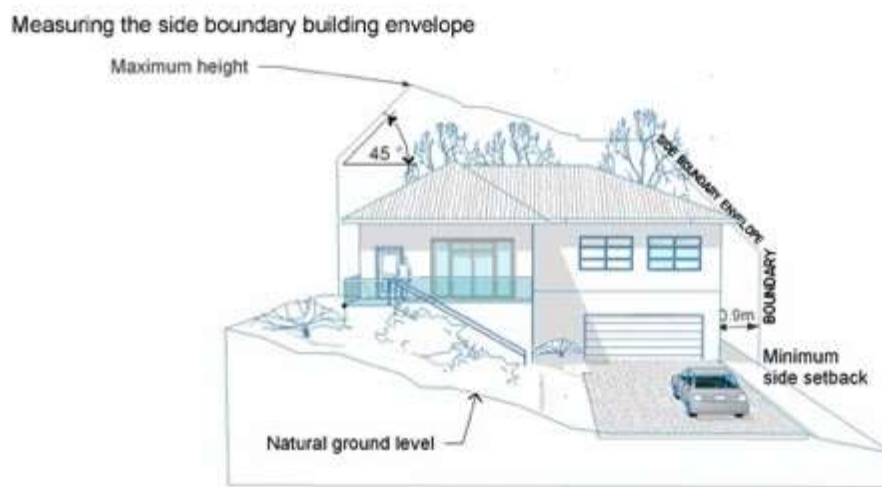
access and poor privacy is obvious to any observer of the overshadowing drawings and other drawings.

The development does not respond to the topography of the site. This is mentioned earlier. The design seems to have completely lost the fact that the site falls 7m from RL 11.24m to RL 4.24m in 12m, [57% grade] in the south east corner.

The 'Requirements' clearly state that this control must be measured "**at the side boundaries**". The Side Boundary to the south of the subject site is clearly shown on the Applicant's Survey to be south of the existing sandstone wall. The Applicant's Surveyor has very carefully shown as the **ground level (existing)** RL levels along that boundary to be: **RL 4.24, RL 5.64, and 7.40**

What the Applicant is trying to propose, is to somehow suggest the southern boundary starts further to the north to support a massively non-compliant envelope, however the Applicant's Surveyor states otherwise.

The DCP makes it very, very clear.



Measuring the side boundary building envelope starts from the Boundary – not some imaginary line further into the site.

The DA drawings are false and misleading. They simply do not follow the Applicant's Surveyor drawing that clearly shows the Southern Boundary to be well clear of the sandstone wall.

The non-compliance on the proposed development to the 4m control, in conjunction with the non-compliant wall height will result in a visually dominant



height and bulk on the private open space of neighbours, and on the public domain to the east and south east.

The drawings showing the wall height are false and misleading. The drawings have not used the boundary levels that are clearly shown on the Applicant's Survey by LTS rising from **RL 4.24, RL 5.64, and 7.40** along the southern boundary.

This is contrary to DCP controls.

The top of the roof structure over the concrete eave at the ground floor at the south east corner is not shown with any level or scaled dimension to the boundary. Scaling from the Plan and South Elevation drawing gives 2m setback to the southern boundary, with a roof projection level at RL 16.4m.

The natural ground level at this location from the survey at the boundary is a quarter point between RL 4.24 and RL 5.64 survey marks, giving a level at RL 4.6. Allowing for a 4m control, plus a 2.0 setback, on top of the boundary level at RL 4.6, would result in a maximum side boundary control height of RL 10.6. The non-compliance would therefore be **5.8m. [RL 16.4 proposed – RL 10.6 control]**.

This is contrary to DCP controls.

To be compliant at the RL 4.6 boundary survey mark, the proposed roof at RL 16.4m, would need a side setback of **7.8m** [16.4 - 4.6 - 4.0]. The proposed side setback is only **2.0m**, and Council can easily assess the substantial non-compliance. This is contrary to DCP controls.

The top of the roof structure over the first floor at the south east corner is not shown with any level or scaled dimension to the boundary. Scaling from the Plan and South Elevation drawing gives 6.7m setback to the southern boundary, with a level at RL 19.0m.

The natural ground level at this location from the survey at the boundary is a mid point between RL 4.24 and RL 5.64, giving a level at RL 5.0. Allowing for a 4m control, plus a 6.7 setback, on top of the boundary level at RL 5.0, would result in a maximum side boundary control height of RL 15.7. The non-compliance would therefore be **3.3m**.

This is contrary to DCP controls.

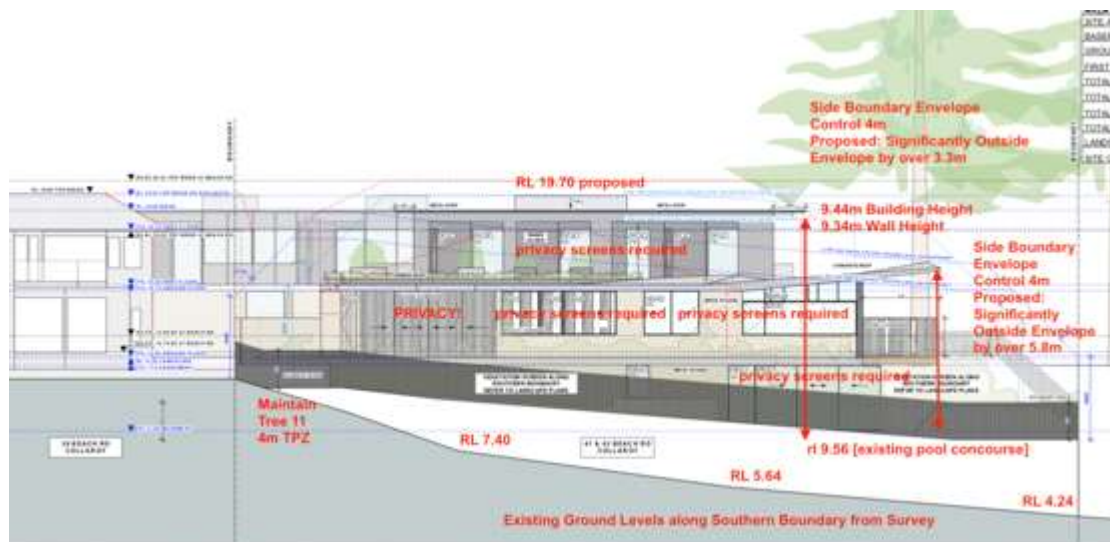
To be compliant at the RL 5.0 boundary survey mark, the proposed roof at RL 19.0m, would need a side setback of **10.0m** [19.0 - 5.0 - 4.0]. The proposed

side setback is only **6.7m**, and Council can easily assess the substantial non-compliance. This is contrary to DCP controls.

To summarise, the **ground floor roof would need to setback 7.8m** from the southern boundary, and the **first floor roof would need to setback 10.0m** from the southern boundary, to be compliant.

There is a significant concern over the view loss, overshadowing and privacy loss as a result of this element.

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.



## **B9 Rear Boundary Setback**

### **Control 6m**

### **Proposed Dwelling 4.0m and Deck 2.6m**

I contend that the DA fails the major objectives and requirements of this control:

### **Objectives**

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear*

*gardens and landscape elements.*

- To provide opportunities to maintain privacy between dwellings.*

### **Requirements**

- Development is to maintain a minimum setback to rear boundaries.*
- The rear setback area is to be landscaped and free of any above or below ground structures.*
- On land zoned R3 Medium Density where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, vehicle access ramps, balconies, terraces, and the like shall not encroach the rear building setback.*

Opportunities for deep soil landscape areas are not maintained in a very critical area adjacent to the public oceanfront reserve. Any design should be according with the rear back so as to encourage deep soil landscape to enrich this zone. The setting of the Norfolk Island Pines is compromised, by placing built form close to the important trees. TPZs are compromised.

The sense of openness will be lost, as a major zone for open landscape will be built upon. The amenity of the adjacent public land will be compromised, as large glass windows will make any casual user of the reserve feel like they are being watched and overlooked. The privacy of casual users to enjoy the space will be poorly affected.

The visual continuity will be broken, and the landscape elements totally controlled by built form.

The building will dominate the landscape, and that is a very unwelcome outcome of the non-compliant rear setback.

The scenic amenity of the foreshore areas is heavily compromised.

The Development clearly fails the 'Requirements'.

- The Development fails to maintain a minimum setback to rear boundaries.
- The Development fails to ensure that the rear setback area is to be landscaped and free of any above or below ground structures. Built form dominates the zone.

- The Development fails to ensure that where there is a 6m rear boundary setback, above and below ground structures and private open space, including basement carparking, balconies, terraces, and the like shall not encroach the rear building setback.

The development fails the objectives and the requirements.

The proposed dwelling and proposed deck adjoining the proposed Living zones is significantly non-compliant.

This is contrary to DCP controls.

The proposed dwelling in a hard expressed concrete structure, built into the rear setback zone, will be jarring to the natural coastal environment. The proposed deck is elevated and covered. This design will result in a significant built form within the rear setback area. This element is not consistent with the rear setback objectives of the DCP.

The southern wing will present non-compliant building heights and wall heights of up to 9.4m, adding to the concern.

Views, overshadowing and privacy to the adjoining public and private domains are not reasonably maintained.

View loss, overshadowing and privacy loss that is a direct result of a non-compliance should not be supported by Council.

The Merit Assessment fails.

## **C7 Excavation and Landfill**

I contend that the DA fails the major objectives and requirements of this control:

### **Objectives**

- *To ensure any land excavation or fill work will not have an adverse effect upon the visual and natural environment or adjoining and adjacent properties.*
- *To require that excavation and landfill does not create airborne pollution.*
- *To preserve the integrity of the physical environment.*

## **Requirements**

### *2. Excavation and landfill works must not result in any adverse impact on adjoining land.*

I am greatly concerned that the massive excavation will have an adverse effect upon the natural environment or adjoining and adjacent properties, such as mine. I am concerned on the excessive vibration risks, and on the future health of the Norfolk Island Pines to the east

I am greatly concerned that the massive excavation will create airborne pollution, by the excessive excavation of 2250cub m of rock, and I am concerned about fine dust being emitted for extended periods whilst this massive basement is excavated, blowing not only over neighbours, but those using the public domain by the oceanfront.

I am greatly concerned that the massive excavation will have an adverse effect upon preserving the integrity of the physical environment, significantly the structural concerns to my property, and to the sandstone wall on the subject site.

I am greatly concerned that the massive excavation will have an adverse impact my adjoining land, with excessive vibration and structural instability.

The proposal includes extensive excavation of the site up to 4.5m deep, for car parking, sub floor storage, surfboard storage, cellar, 17m long storage zones, extensive driveways, oversized plant rooms, oversized lifts, stairs, and other uses. The extent of the excavation is vastly excessive: it exceeds 500sqm!

This is contrary to DCP controls.

The design gives the impression that the 500sqm basement will be a massive car park or some other use, and this is not in accordance with LEP & DCP controls.

The extent of the basement will cut through the upper watercourse layers of sandy and silty clay soils, very stiff clay layers, to siltstone, and then well below to dense sandstone bedrock levels forming a complete barrier to the feed of water to the Norfolk Island Pines on Council land to the east. This is a major concern.

The extensive vibration caused by this massive basement cutting through dense sandstone over 500sqm of site will cause massive disturbance, vibration risks and residential amenity disturbance, and will have a high risk to the integrity of the physical environment.

I ask the Council to condition any approval with a new double garage to be positioned under the northern wing, with a complaint front setback, all to Council controls. Delete the basement and the basement ramp.

### **C8 Demolition and Construction**

I contend that the DA fails the major objectives and requirements of this control.

The extraction of over 2250 cub m of spoil and rock [500sqm x 4.5m] has not been adequately addressed in the DA.

This is contrary to DCP controls.

### **C9 Waste Management**

I contend that the DA fails the major objectives and requirements of this control.

The quantity of waste from excavation has not been assessed within the Report.

This is contrary to DCP controls.

### **D6 Access to Sunlight**

I contend that the DA fails the major objectives and requirements of this control:

#### ***Objectives***

- *To ensure that reasonable access to sunlight is maintained.*
- *To encourage innovative design solutions to improve the urban environment*

*and public open space.*

- *To promote passive solar design and the use of solar energy.*

### **Requirements**

*1. Development should avoid unreasonable overshadowing any public open space.*

*2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.*

The proposed development does not ensure that reasonable access to sunlight is maintained. Non-compliant development is causing considerable solar loss, and my property has not even been surveyed, let alone shadow diagrams completed.

The proposed development does not encourage any innovative design solutions to improve the urban environment and public open space.

The proposed development does not promote passive solar design and the use of solar energy. In fact, it does the reverse, by robbing neighbours of solar access to existing solar panels.

The proposed development does unreasonably overshadow the public open space, by proposing non-compliant development casting additional excessive shadow into the eastern public open space in the afternoons.

The east facing rooms to my house rely upon the winter morning sun from 9am to Noon. It is clear that our windows will lose sun from 9am Winter.

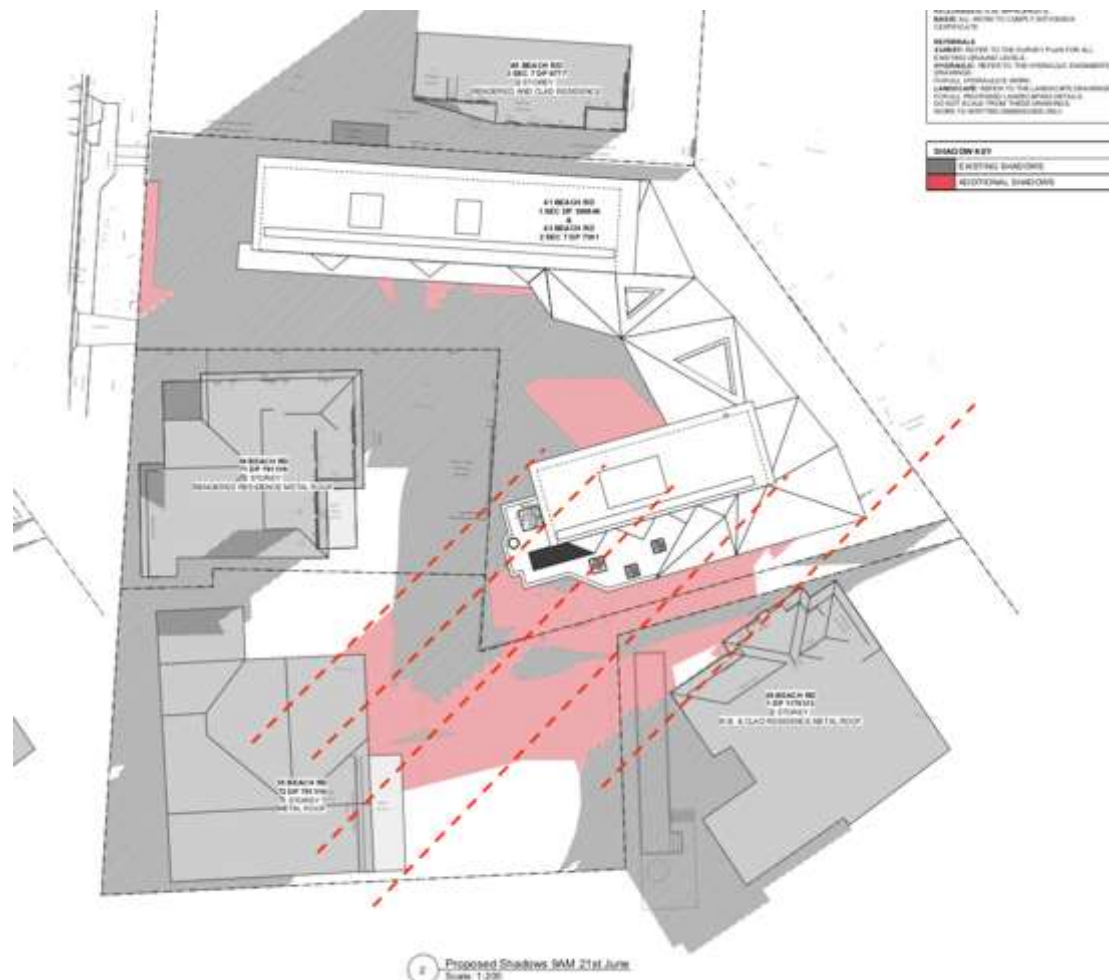
The non-compliant building envelope will cause unreasonable solar loss to neighbours.

The survey is incomplete into 35 Beach to fully describe the loss.

This is contrary to DCP controls.

The 9am Winter shadows extend to my house alignment in plan and it would be expected that elevation loss to windows will occur to Decks, Living Room, Bedroom and Study, as well as an extensive loss to the lawn areas to 35 Beach Road from the non-compliant envelope.

Council will need to ensure that the Applicant completes the survey, and prepare overshadowing elevation drawings of 35 Beach to define the loss.



**Sketch: Proposed 9am Winter Proposed Shadow: Sun angle arriving from north-east. Orientating the south wing to the north-east would reduce solar loss. Reduce building height to reduce the loss. Proposed Pop-up Roof Form in southern wing will have adverse affect on main Living Room & Deck zones**

My neighbour at 29 Beach Road will have their window solar access completely removed and large parts of their roof with solar panels installed by non-complaint development. This is totally unacceptable. This is contrary to DCP controls.

Any solar loss beyond a fully compliant envelope is considered totally unreasonable both to the private open rear garden, but also to the windows and deck at 35 Beach.

I suggest that the proposed South Wing follow the southern alignment of the existing dwelling on #41 Beach Road, and splay the alignment to follow the



southern alignment of the existing dwelling, orientating the wing to the north-east to reduce the solar impact. Reduce the envelope forms to be compliant to all controls, particularly the 4m/45 degree controls setting back the South Wing as required, reduce the proposed ground level to RL 11 or less with wall height to RL 18 or less and maintain the built forms to be generally contained within the existing built envelope.

Maintain the ground levels that currently exist between the existing #41 Beach Road Dwelling and the southern boundary, with a landscaped area with a small pool. This will significantly reduce solar loss to my property, and deliver a more compliant building envelope.

These are practical workable solutions to assist the Applicant to deliver a compliant envelope and reduce amenity loss to neighbours and the public domain.

Why should non-compliant development rob us of my valuable winter sun?

## **D7 Views**

I contend that the DA fails the major objectives and requirements of this control:

### ***Objectives***

- *To allow for the reasonable sharing of views.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To ensure existing canopy trees have priority over views.*

### ***Requirements***

1. *Development shall provide for the reasonable sharing of views.*

**In Tenacity, [Tenacity Consulting v Warringah Council 2004],** NSW LEC considered Views. Tenacity suggest that Council should consider:

*“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.”*

The development breaches multiple planning controls and is unreasonable.

The impact on views arises as a result of non-compliance with one or more planning controls, and the moderate impact is considered unreasonable.

The view that would be initially lost is one of the coastal reserve and the Norfolk Pines to the north-east, and to the winter sunrise.

When my property is altered to a two-storey building there would be significant ocean views from those upper levels over the coastal reserve and out into the ocean, and that these views would be eliminated by this non-compliant envelope.

I appreciate that this is a future ocean water loss, but I ask Council to consider the issue in the totality of my other losses of privacy and overshadowing.

Taken together, they make an unacceptable loss of amenity caused directly by non-compliant development.

The design of the development has not been informed by a consideration of views to the ocean, by a detailed photographic study and positioning of height poles. The applicant has considered only a 2D plan assessment, and that is often totally ineffective and unreliable as Council will know.

The non-compliant building envelope will cause unreasonable view loss to many neighbours.

The landscaped view between the proposed development and # 29 Beach Road residence will be substantially curtailed, and this is caused totally from non-compliant development.

Once my residence is built to LEP and DCP controls my residence would have ocean views from the future upper storey across this non-compliant envelope. This proposed development would take that future opportunity away, purely from non-compliant development.

Any view loss beyond a fully compliant envelope is considered totally unreasonable.

Why should non-compliant development rob me of my valuable current north-easterly view, and a future ocean view from the upper level at 35 Beach Road?

## **D8 Privacy**

I contend that the DA fails the major objectives and requirements of this control:

### **Objectives**

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*
- *To encourage innovative design solutions to improve the urban environment.*
- *To provide personal and property security for occupants and visitors.*

### **Requirements**

- 1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.*
- 2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.*
- 3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.*
- 4. The windows of one dwelling are to be located so they do not provide direct or close views (ie from less than 9 metres away) into the windows of other dwellings.*

The proposed development does not ensure that the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours. The siting of the non-compliant southern wing is positioned too close to the southern boundary, and will not provide acoustic or visual privacy to my dwelling.

The proposed building layout has not been designed to optimise privacy for occupants of the development and occupants of adjoining properties. I am concerned to the First Floor Deck, the Pool Concourse opening to the south,

the Playroom overlooking my ocean beach entry and the windows facing my property at all levels without privacy screens.

The proposed development has not orientated all the living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking. Some of these windows face my property to the south, and that creates the problems. I am concerned to the First Floor Deck, the Pool Concourse opening to the south, the Playroom overlooking my ocean beach entry and the windows facing our property at all levels without privacy screens.

The proposed development has not properly considered the effective location of doors, windows and balconies to avoid overlooking. I prefer the use of screening devices, high sills or obscured glass to these areas, and for Council to carefully consider all these matters.

The proposed development windows provide direct or close views into the windows of my property. I am concerned on all southern windows overlooking our beach entry and our dwelling, and deck.

The design of the development gives rise to unreasonable privacy outcome by elevated decks and windows elevated within non-compliant envelope beyond controls giving direct line of sight into neighbours property. The design does not ensure the siting and design of buildings to provide a high level of visual and acoustic privacy for occupants and neighbours facing our property.

The Elevated 'Green Roof' facing me would create an elevated deck at c RL 16 that would look down at my glazed windows and doors with head heights of RL 12.77, and to my Deck and Garden at RL 10.65. I ask that this roof to have privacy screens facing my property.

I am also concerned to the proposed sliding doors at FL 12.0 that open from a noisy pool deck zone, immediately towards my glazed window and doors with head heights of RL 12.77, and to my Deck and Garden at RL 10.65. I ask for these sliding doors to be replaced with a non-opening solid acoustic wall.

I am concerned that the Playroom at basement level has windows looking directly at my beach entry. These south facing windows require privacy screens.

There are other glazed windows facing my property to the south and west at all levels that all will require privacy screens at all levels facing south and south-west towards my property and beach entry zones.

Why should non-compliant development rob me of my privacy?

## D9 Building Bulk

The design of the development does not minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.

The requirements under this clause clearly have not been met, particularly to the southern boundary:

*“On sloping land, the height and bulk of development (particularly on the downhill side) is to be minimised, and the need for cut and fill reduced by designs which minimise the building footprint and allow the building mass to step down the slope”, and ‘Building height and scale needs to relate to topography and site conditions’.*

The building bulk is particularly unreasonable, as the development on the sloping land [58% grade] facing my property, has not been contained within LEP and DCP envelope controls.

The proposals are up to **5.8m outside of the side boundary envelope control**. This would create an extremely poor building bulk to the adjoining properties, but also to the public recreation zone and beach to the east and south-east.

The proposals would be jarring as a massive concrete roof structure, would totally dominate this very sensitive area, **rising over 12m** from the level of the south east corner of the subject site at RL 4.24 and my ocean beach entry gate, and positioned at a 60 degree incline from my ocean access gate, with a non-compliant rear setback, side setback, wall height, building height and envelope non-compliance. The upper roof would be nearly **15m** above my ocean gate entry, appearing as a **five storey high structure** and positioned at a 45 degree incline from my ocean access gate.

The building bulk facing the public domain and neighbours will be devastating.

## D10 Building Colours and Materials

I consider the architectural style of a massive concrete roof structure into a beach setting is totally inappropriate. The two upper storey wings seem to be

implanted from another architectural style and they do not seem in harmony with the remainder of the architectural concept.

There are long uninterrupted elevations of monotonous elevation.

The elevation to the beach represents an unconvincing concept of competing architectural styles, with neither feeling all that comfortable on a beach-side setting. The concrete structures look brutal.

The non-complying rear setback, coupled with the non-complying building envelope, coupled with the other matters mentioned above, make the overall concept jarring to the casual observer.

## **D11 Roofs**

I contend that the DA fails the major requirement of this control:

*Roofs should complement the roof pitch and forms of the existing buildings in the streetscape*

The proposed roofs do not complement the roof pitch and forms of the existing buildings in the streetscape or by the public domain to the east. Most roofs are pitched to reflect the more traditional beach-side, laid back vernacular.

I am concerned that the exposed concrete angled roof and sloped edges will heavily stain in the coastal environment, could reflect, and quickly become an undesirable outcome for the coastal area.

It will appear as a brutalist response to the beach, and totally out of keeping.

I am concerned that all these structures are pushed well into the rear setback zone, making the outcome every more concerning.

The heights of the concrete roof are not shown.

## **D12 Glare and Reflection**

I contend that the DA fails the major objectives and requirements of this control:

*Sunlight reflectivity that may impact on surrounding properties is to be minimised by utilising one or more of the following:*

- *Selecting materials for roofing, wall claddings and glazing that have less reflection eg medium to dark roof tones;*
- *Orienting reflective materials away from properties that may be impacted;*
- *Recessing glass into the façade;*
- *Utilising shading devices;*
- *Limiting the use of glazing on walls and glazed balustrades and avoiding the use of highly reflective glass; and*
- *Selecting windows and openings that have a vertical emphasis and are significantly less in proportion to solid massing in walls.*

I am concerned on glare from glass, angled roofs and other reflective surfaces proposed.

The proposed development does not have medium to dark roof tones, and has used extensive glass, with windows that do not have a vertical emphasis.

There will be considerable glare and reflection from the proposed design.

## **D15 Side and Rear Fences**

I contend that the DA fails the major objectives and requirements of this control:

*Generally, side and rear boundary fences are to be no higher than 1.8 metres on level sites, or 1.8 metres measured from the low side where there is a difference in either side of the boundary.*

As stated elsewhere I am concerned on the structural stability of the existing sandstone wall being retained.

I am also very concerned that the existing 3.4m sandstone wall, will have another 1.8m high fence added to it, creating a wall height of over 5.2m at the south east corner of the subject site, and immediately adjacent my ocean beach gate.

It is totally inappropriate and totally unreasonable to arrive at a design solution that requires 5.2m high side fence structures close to the common boundary to mask non-compliant development.

## E1 Preservation of Trees or Bushland Vegetation

I contend that the DA fails the major objectives and requirements of this control:

*Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.*

I am particularly concerned regarding the two **Norfolk Island Pines 12 & 13** to the east.

The extent of the basement will cut through the upper watercourse layers of sandy and silty clay soils, very stiff clay layers, to siltstone, and then well below to dense sandstone bedrock levels forming a complete barrier to the feed of water to the Norfolk Island Pines on Council land to the east. This is a major concern.

The new excessive 500sqm basement will cut a 4.5m deep trench across the entire site, thorough sub soil levels, and through dense sandstone bedrock and I am concerned that water and nutrients to these trees will be substantially affected. I am concerned that the TPZ will also be affected by incursion.

I am also concerned that **Tree 2, 6 & 11** are all being removed.

**Tree 11** is a **Tuckeroo**, 7m tall, in good health facing my property. The Tuckeroo is being removed to make way for the non-compliant building to the south west corner of the site, falling to make way for the tree's TPZ. The Tuckeroo is a native, with a 7m x 5m canopy, 300mm trunk, with a 350mm DGL. The Applicant's Arborist rates the tree of high significance, and high amenity value. I request that it is retained and a 4m TPZ established, as recommended by the Applicant's Arborist. The Tuckeroo gives privacy and amenity to my property.

Tree 2 is a **Norfolk Island Pine**, in good health. The Norfolk Island Pine is being removed to make way for the excessive ramp and basement access. It currently clears electricity lines to the existing house, and there is no reason electricity poles to the site cannot be relocated to protect this tree, considering a \$5.8m construction spend.



Tree 6 is a **Bottlebrush**, in good health. The Bottlebrush is being removed to make way for the excessive ramp and basement access.

I am concerned that other trees may be more poorly affected than the Arborist reports suggests.

Council should ensure that all trees adjacent to the basement ramp and excessive basement are suitably protected.

All of these trees could be saved if a more compliant car park was designed at grade under the proposed northern wing, and if the proposed southern wing was relocated beyond the TPZ zone of Tree 11.

## **E2 Prescribed Vegetation**

I am concerned for the prescribed vegetation due to excessive excavation, and potential change to water access.

## **E4 Wildlife Corridors**

There appears to be little consideration of wildlife corridors

## **E5 Native Vegetation**

There appears to be little consideration of protecting all native vegetation, both trees and scrubs on the site.

The two major Norfolk Island Pines [Tree 12 & 13] appear to be in harms way by the excessive 500sqm basement. The extent of the basement will cut through the upper watercourse layers of sandy and silty clay soils, very stiff clay layers, to siltstone, and then well below to dense sandstone bedrock levels forming a complete barrier to the feed of water to the Norfolk Island Pines on Council land to the east. This is a major concern.

Trees 2, 6 & 11 are being removed to make way for the non-compliant basement and non-compliant building envelope. This is unacceptable.

Tree 11 gives amenity to 35 Beach Road, so I ask Council to ensure the development is amended to give a 4m TPZ around this tree.

## **E7 Development on land adjoining public open space**

The non-compliant rear setback of the dwelling and deck will be contrary to the requirements to provide an outlook to public open space, without appearing to privatise that space. The design will privatise this space – it is clearly evident this is the intention.

The dwelling and deck will be jarring into the rear setback zone, proposing a monolithic brutalist concrete building into the rear setback zone, and will not met the objectives of this clause:

- *To protect and preserve bushland adjoining parks, bushland reserves and other public open spaces.*
- *To ensure that development responds to its adjacent surroundings to preserve and enhance the natural qualities of the environment.*
- *Development on land adjoining open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.*

## **E9 Coastline Hazard: Coastline Hazard & Area of Wave Impact & Slope Adjustment**

I contend that the DA fails the major objectives and requirements of this control:

- *To minimise the risk of damage from coastal processes and coastline hazards for proposed buildings and works along Collaroy Beach, Narrabeen Beach and Fisherman's Beach.*
- *To ensure that development does not have an adverse impact on the scenic quality of Collaroy, Narrabeen and Fisherman's Beaches.*
- *To ensure that development does not adversely impact on the coastal processes affecting adjacent land.*

I am particularly concerned that the site borders on the south-east corner to the hazard, and it would appear no consideration is referred to this matter within the DA.

There is a reliance on a very old sandstone wall of unknown structural capability for structural adequacy.

## E10 Landslip Risk

I contend that the DA fails the major objectives and requirements of this control:

### *Objectives*

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

The very steep fall of land from RL11.24 to RL 4.24 to the south-east end of the subject site, facing my property, does not appear to be properly considered.

There is substantial excavation proposed to the south-east corner for beach access, within this zone, and a reliance on a very old sandstone wall of unknown structural capability that will experience substantial prolonged vibration from excessive 2250sqm excavation. I am very concerned on the structural adequacy for my own property, my neighbour at 29 Beach, and for the public domain.

The Geotechnical Report has not properly and adequately addressed these issues.

### **Summary:**

The proposal requires to be heavily amended to resolve all these matters. The non-compliance with the side boundary envelope on the southern side of the southern wing in conjunction with the non-compliant wall height will result in:

- Visually dominant height and bulk imposing on the private open space of neighbours.
- Unreasonable solar loss
- Unreasonable view loss
- Unreasonable privacy outcome by elevated decks and windows beyond controls giving direct line of sight into neighbours property, with no privacy screening

## Statement of Environment Effects Rebuttal

There are numerous non-factual matters stated within the Applicant's SEE.

The SEE has failed to quantify *“the difference between the impacts of a complying and a non-complying development”*

The SEE has failed to identify any environmental planning ground, unique or otherwise, that justifies the contravention of non-compliance to controls.

The SEE fails to address the major non-compliances of

- **Wall Height +30%**
- **Height of Building +11%**
- **Side Boundary Envelope Significantly Outside Envelope by over 5.8m along southern boundary**
- **Rear Setback Dwelling & Deck +50% to 60%**

The SEE fails to consider the poor amenity outcomes particularly from view loss, overshadowing and privacy.

The SEE fails to identify the need for Clause 4.6 Applications.

#### Clause 4.6: Failure to Submit

The Applicant has failed to submit Clause 4.6 Applications.

The Council should immediately consider refusing the DA, and perhaps is precluded from proceeding any further with its assessment and consideration of the DA.

Council does not have before it a Statement of Environmental Effects that it can rely upon.

I refer Council to the **Byron Shire Businesses for the Future Inc v Byron Council** [the Club Med Case], showing that absence of relevant detail invalidates the very decision making process.

Council must note that in **Randwick City Council v Micaul Holdings Pty Ltd [2016]**, Chief Judge Preston noted in respect to Clause 4.6 that:

*“...the Court need not be directly satisfied that compliance is unreasonable or unnecessary and sufficient environmental planning grounds exist, but rather ‘only indirectly by being satisfied that the applicant’s written request has adequately addressed’.*

I suggest that even if a Clause 4.6 was submitted it could not satisfactorily address what environmental planning grounds exist to justify contravening the standard.

There is no identification of any environmental planning ground, unique or otherwise, that justifies the contravention.

There is no basis upon which any variation can be granted.

Accordingly, consent must be refused on that basis.

Currently, there is no power to grant development consent because no Clause 4.6 has been submitted.

If a Clause 4.6 was submitted it would still be highly unlikely to succeed as (a) the request to vary the control could not identify any environmental planning ground that justifies the contravention, and does not exist; and (b) the proposal is inconsistent with the objectives of the standard in any event due to significant amenity loss.

I also refer Council to **Whittaker v Northern Beaches Council [2017]**

## NSW LEC Planning Principles

I bring to the attention of Council numerous **NSW LEC Planning Principles** that have relevance to this DA.

In **Davies**, [Davies v Penrith City Council 2013], NSW LEC considered General Impact. Davies suggest that Council should consider:

*“Would it require the loss of reasonable development potential to avoid the impact?”*

*Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

*Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?”*

### **Commentary:**

In this objection we have clearly showed that the FSR is over controls, and reducing the FSR would assist in reducing the impact.

The proposals do not comply with planning controls, and the impact is due to the non-complying element of the proposal.

In **Veloshin**, [**Veloshin v Randwick Council 2007**], NSW LEC considered Height, Bulk & Scale. Veloshin suggest that Council should consider:

*“Are the impacts consistent with impacts that may be reasonably expected under the controls? For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.”*

### **Commentary:**

The impacts are not consistent with the impacts that would be reasonably expected under the controls.

The proposals are non-compliant in multiple areas, and the Applicant has not quantified the difference between the impacts of a complying and a non-complying development.

In **Meriton**, [**Meriton v Sydney City Council 2004**], NSW LEC considered Privacy. Meriton suggest that Council should consider:

*“When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space.”*

**Commentary:**

The freedom of neighbour’s property from being overlooked simply has not been properly and fully considered.

In **Tenacity**, [**Tenacity Consulting v Warringah Council 2004**], NSW LEC considered Views. Tenacity suggest that Council should consider:

*“A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.”*

**Commentary:**

The development breaches multiple planning controls and is unreasonable.

The impact on views arises as a result of non-compliance with one or more planning controls, and the moderate impact is considered unreasonable.

The view that would be initially lost is one of the coastal reserve and the Norfolk Pines to the north-east, and to the winter sunrise.

When my property is altered to a two storey building there would be significant ocean views from those upper levels over the coastal reserve and out into the ocean, and that these views would be eliminated by this non-compliant envelope. I appreciate that this is a future ocean water loss, but we ask Council to consider the issue in the totality of my other losses of privacy and overshadowing. Taken together, they make an unacceptable loss of amenity caused directly by non-compliant development.

## Proposed Conditions of Consent to any Approval

I ask Council to impose the following conditions to any consent. I ask that Council request that the Applicant submit Amended Plans to resolve these matters in full, prior to determination.

### **Massing Envelope Reductions**

[The first series of conditions would preferably all be dealt with under resubmission of Amended Plans, as they are too extensive for conditional approval. I present them for Council's consideration]

### **South Wing & other areas**

- Reposition South Wing to follow the alignment of the existing dwelling. Reduce the ground floor to RL 10.6
- Reduce to 7.2m wall heights, at RL 17.8 and record existing survey levels under the high points on proposed plans, elevations and sections. Roof heights reduced to RL 18.0.
- Reduce to 8.5m maximum building height and record existing survey levels under the high points on proposed plans, elevations and sections.
- Reduce the proposed development envelope to accord with Side Boundary Envelope controls using side boundary levels from the Applicants Survey rising from RL 4.24, RL 5.64, and 7.40 along the southern boundary, and record existing survey levels on proposed plans, elevations and sections.
- Increase rear setback to 6m to rear boundary. No decks in rear setback.
- Provide a 3D model of the existing ground levels, rising from RL 4.24, RL 5.64, and 7.40 along the southern boundary, with the planning controls superimposed, and clear evidence that the proposals are fully compliant to numerical controls
- Delete the Basement. Delete the ramp. New Double garage at ground floor with compliant front setback, under north wing. New crossover and driveway at existing grade.
- Delete 1.8m fence on top of 3.2m high sandstone wall on southern boundary.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.



Reason: View Loss, Overshadowing, Privacy, Streetscape, General Impact, Landscape, Height/Bulk/Scale, Visual Bulk and Excessive Excavation

## **Privacy**

- Raise window sills to 1.7m height above internal FFLs to all windows facing neighbour's boundary.
- Obscured glass or privacy screens to all windows facing the neighbour's boundary
- Privacy screens to all decks and windows facing neighbour's boundary to be 1.7m high obscured glass screens.
- Increase number of screening trees and bushes along neighbour's boundary to create a vegetated barrier between windows on subject site and neighbours windows.
- The Elevated 'Green Roof' to the south-west would create an elevated deck at c RL 16 to have 1.7m high privacy screens
- The proposed sliding doors at FL 12.0 that open from the pool deck zone, be deleted, this wall to be replaced with a solid, full height, acoustic wall.
- Full height privacy screens to the south facing Playroom windows
- All south facing windows to have full height privacy screens at all levels facing south.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Privacy

## **Landscaping**

- Tree 11 to south west corner to be retained, with 4m TPZ.
- Retain other trees as identified by Council
- Increase screening trees and bushes along neighbour's boundary.
- Provide protection to the Structural Root Zone and Tree Protection Zone to the trees on neighbours property adjacent to the common boundary.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Privacy

## **Structural Adequacy, Excavation Work, Retaining Wall**

Existing Sandstone Block Retaining Wall to the southern boundary be rebuilt to ensure structural adequacy.

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls, including the sandstone wall along the southern boundary, are to be structurally adequate for the intended purpose, shall be certified as compliant with all relevant Australian Standards and Codes, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Public and Private Safety

## **Sub-Soil Seepage**

The Applicant is to submit plans demonstrating that all sub-soil seepage drainage is discharged via a suitable silt arrester pit in accordance with relevant Australian Standards.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

## **On-Site Stormwater Management Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage and Stormwater management on site to protect amenity of residents.

### **Stormwater Disposal**

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development.

### **Property Boundary Levels**

The Applicant is to maintain the property boundary levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate..

Reason: To maintain the existing profile of the boundary.

### **Works in close proximity to the allotment boundary**

The Applicant is to maintain existing ground levels within 1m to the allotment boundary.

No approval is granted for any change to existing ground levels and all works within 1m to the allotment boundary to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To maintain the existing profile of the natural ground levels adjacent neighbours boundary.

## **Vibration**

Reduce Peak particle velocity to be less than **2.5mm/sec** at the common boundary, with warning alarms on site to stop work if thresholds are exceeded at **2.0mm/sec**.

35 Beach Road is an older property with delicate period detailing of delicate and fragile ceilings and wall finishes, including stained glass windows, and this lower level of vibration is to be conditioned to avoid and/or reduce the risk of damage to the older fragile finishes within the property.

The level at **2.0mm/sec** can be normally easily achieved by making attenuation cuts into the upper siltstone strata and sandstone, prior to bulk excavation, and always ensuring the attenuation cuts are 0.5m lower than the excavated surfaces at all times. Other precise methods are to be specified by the Geotechnical Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority, to include method statement of excavation works, monitoring of boundary levels, halt signals, notifications on site and to PCA, and attenuation methods to reduce vibration risks.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To reduce risk of vibration damage to neighbours property.

## **Plant**

AC Plant & Pool Plant not to be positioned along boundary to neighbour's property, and to be positioned in a dedicated acoustic rated plant room.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the *NSW Industrial Noise Policy* at the receiving boundary of residential and other noise sensitive land uses.

Reason: Acoustic Privacy

## **Lighting**

No external lighting facing neighbour's property or internal lighting causing lighting nuisance to neighbour's property.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: Lighting Nuisance

I ask Council to impose conditions as appropriate regarding:

- **Stormwater Disposal**
- **Geotechnical Report Recommendations to be incorporated into design and structural plans**
- **Boundary Identification Survey**
- **Survey Certificate**
- **Vehicle Driveway Gradients**
- **Structural Adequacy**
- **Excavation Work**
- **Shoring of Neighbours boundary**
- **Protection of Adjoining Property- Excavation**
- **Soil & Water Management Program**
- **Dilapidation Report**
- **Tree Protection**
- **Road Reserve**
- **Landscape Completion Certificate**

- **Stormwater Disposal Certificate**
- **Structures located near boundary Certificate**
- **Geotechnical Certificate**
- **Post Construction Dilapidation Certificate**
- **Swimming Pool Requirements**

## Conclusion

The proposed development does not satisfy the relevant objectives of the LEP and the relevant outcomes and controls contained in the DCP as they are reasonably applied to an application proposing a new dwelling.

The outcome is a building that cause poor amenity outcomes including privacy, view loss, overshadowing, streetscape, vibration, landscaping, native tree loss and other concerns due to non-compliance to multiple residential controls including building height, FSR, wall height, side boundary envelope, rear setback, landscaping, parking, garage, fencing, ground works and other concerns.

The development does not satisfy the objectives of the standard and will present poor residential amenity consequences.

The identified non-compliances have not been appropriately justified having regard to the associated objectives.

The subject site is over 1536.5 sqm, it is of considerable size, and there is no reason, unique or otherwise, why a fully compliant solution cannot be designed on the site, to avoid amenity loss. A more skilful design is shown in Appendix A.

The Applicant has not submitted a Clause 4.6, and even if it was submitted, it would fail on multiple levels as there are not sufficient environmental planning grounds to justify the departure. The development does not satisfy the objectives of the standard and gives rise to adverse residential amenity consequences.

The identified non-compliances have not been appropriately justified having regard to the associated objectives.

Such variations do not succeed pursuant to section 4.15 of the Act. The solutions have not achieved the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the relevant considerations pursuant to 4.15 of the Environmental Planning & Assessment Act 1979 (as amended) it has not been demonstrated that the proposed development is appropriate for approval.

This application results in unreasonable impacts on surrounding, adjoining, adjacent and nearby properties.

In consideration of the proposal and the merit consideration of the

development, the proposal is not considered to be consistent with the objectives of the DCP<sup>[17]</sup><sub>SEP</sub> and objectives of the LEP. <sup>[17]</sup><sub>SEP</sub>

The resultant over-development is representative of an envelope well above the maximum built form outcome anticipated on the site under the provisions of LEP and DCP.

The resultant development is not considered to be an appropriate outcome for the site as it fails the balance between the development of the site and the retention of significant natural features and the maintenance of a reasonable level of amenity for adjoining properties.

The proposed development does not satisfy the appropriate controls.

The processes and assessments have not been satisfactorily addressed.

The DA scheme submitted requires to be amended, and I ask Council to request that the Applicant submit Amended Plans to overcome the issues raised in this objection.

If the Applicant does not undertake a resubmission of Amended Plans to deal with the matters raised in this objection, then I ask Council to either heavily condition any approval, or simply issue a refusal.

Alternatively Council may consider in light of the absence of Clause 4.6 applications, and other misleading information, to reject the Development Application as being beyond power on grounds that Council, as consent authority, has not been provided with sufficient probative material to form a proper basis for lawful action.

I expect that the final determination will be carried out by the LPP, due to the numerous excessive non-compliances.

I request these matters be closely considered in the assessment of the proposed development.

I expect that on such a very large site, the Applicant should be charged by Council to deliver a totally compliant scheme to LEP and DCP controls. There is no excuse that neighbours amenity and the public domain amenity must suffer due to non-compliance to the controls. All I seek is a fully compliant development to Council's controls, and for the envelope controls to be drawn accurately based upon the boundary survey levels and other survey marks across the site. On a relatively flat site, over 90% of the title, that should not be that difficult. The key is to avoid building on the small portion of land at the southern end that is on a 60% grade.



I will welcome the opportunity to further expand on any of the issues above once height poles are erected.

Yours faithfully,

**Mrs Jan Dorsen**

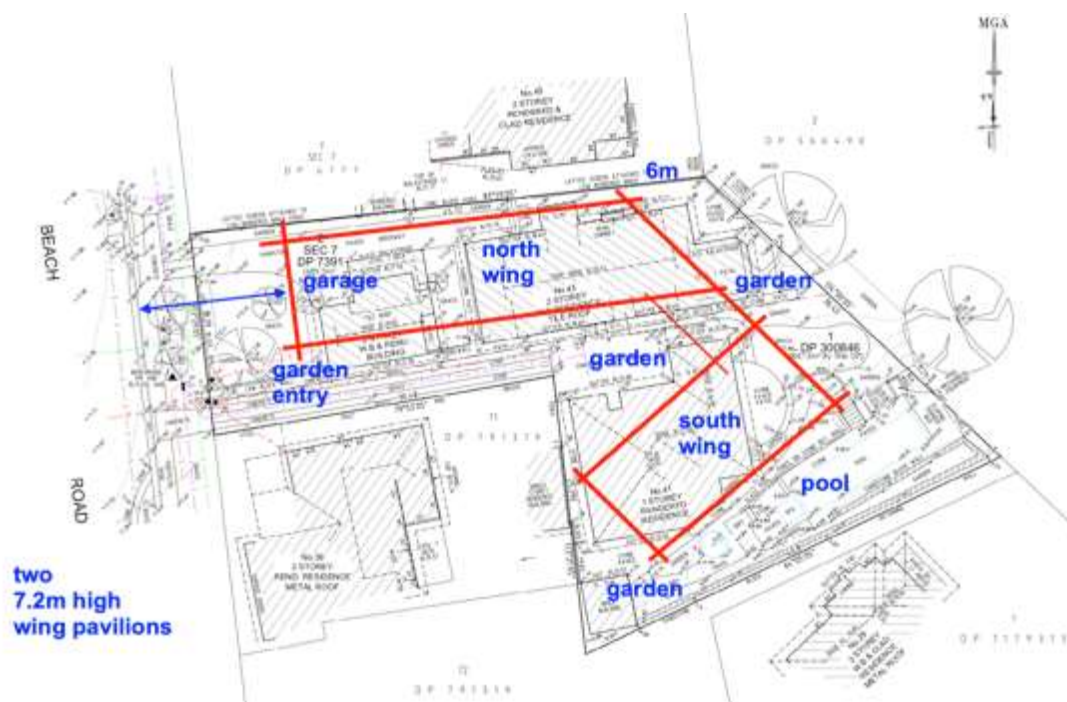
**35 Beach Road  
Colloroy**

[attached Appendix A & B]

## APPENDIX A: MORE SKILFUL DESIGN

It is not the case that the Applicant does not have alternative design options available to achieve the same above ground floor space, whilst eliminating the amenity losses to neighbours, at vastly lower cost. Attached is a simple concept to achieve that goal.

- Two 7.2m wall high Linked Pavilions [walter barda style: vernacular tradition of timber framed pavilions] built off the c.11m contour, fully compliant to controls. Permeable, flexible interface between indoors and outdoors.
- Garage at ground level, no basement
- Redesigned Pool facing Beach or within front entry garden zone
- Compliant Rear/Front/Side Setback
- Compliant Building Envelope, off RL 4.24, RL 5.64, and RL 7.40 southern boundary survey levels
- Maximised FSR at Ground & First
- Three Norfolk Island Pines out of harms way, and Tree 11 protected.
- Little to no amenity loss
- Considerably lower cost, and faster to build
- Lower risk



## APPENDIX B: SITE PHOTOS



**Photo 1:**

**View from Public Domain east of the subject site looking south west. Subject Site in foreground to the right.**

**35 Beach Road Residence , single storey, in the centre of photograph behind pool. 29 Beach is to the left.**

**Non-compliant development will take out solar access and view, and create privacy problems.**

**The proposed South Wing extends to an alignment above the existing pool in this photo, and rises to well above the galvanised pipe service stack above the existing roof on the subject site.**

**The non-compliant proposed height of the upper roof exceeds the height of the existing gutter on the subject site by 4.0m [RL 15.0 v RL 19.0] and the new roof extends much further towards the south towards 29 Beach, creating an overwhelming sense of enclosure to the public domain and neighbours.**



**Photo 2:**

**View from Public Domain east of the subject site looking south west. Subject Site in foreground to the right. 35 Beach Road Residence in the centre of photograph. 29 Beach to the left.**

**Non-compliant development will take out solar access and view, and create privacy problems..**

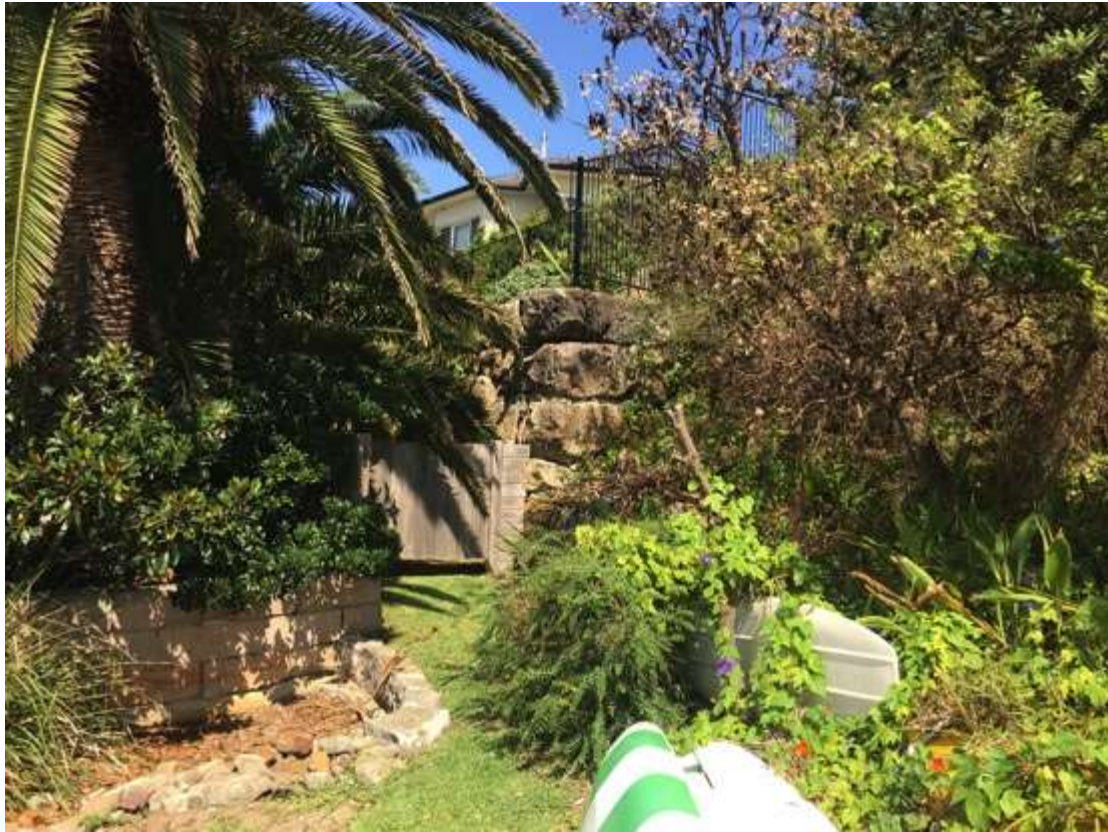




**Photo 3:**

**View from Public Domain east of the subject site looking south west. Subject Site in foreground to the right. 35 Beach Road Residence in the centre of photograph. 29 Beach to the left.**

**Non-compliant development will take out solar access and view, and create privacy problems.**



**Photo 4:**

**View from Public Domain east of the subject site looking west. Subject Site in foreground to the right, with existing Sandstone Wall setback from the boundary in the foreground. 35 Beach Road beach entry gate to the left of the existing Sandstone Wall in the centre of photograph. 29 Beach to the left.**

**Non-compliant development will create considerable bulk and scale and privacy issues to the entry to 35 Beach.**

**The building will present as a five storey high structure, 15m above the ocean gate level.**

**Boundary fences are proposed to be 5.2m high above the ocean gate level.**

**Boundary of the subject site and existing boundary ground levels occur approximately 300mm to the south and east of the Sandstone Wall.**

**Council must insist on a photomontage from this public domain location and Height Poles**





**Photo 5:**

**View from Public Domain south-east of the subject site looking west. Subject Site in foreground to the right, with existing Sandstone Wall in the foreground.**

**35 Beach Road Residence entry passageway to the left of the existing Sandstone Wall in the centre of photograph. 29 Beach to the left.**

**Non-compliant development will create considerable bulk and scale and privacy issues to the entry to 35 Beach.**

**Concern over structural stability of existing Sandstone Wall from excessive vibration from excessive excavation.**

**Boundary of the subject site and existing boundary ground levels occur approximately 300mm to the south [to the left] of the Sandstone Wall: the boundary runs along the grass in this photo.**



**Photo 6:**

**View from Public Domain east of the subject site looking at the south-west corner of the subject site.**

**Boundary levels are at the base of this wall as shown on survey.**

**Concern over structural stability of existing 3.4m high Sandstone Wall from excessive vibration from excessive excavation.**





**Photo 7:**

**View from Public Domain south-east of the subject site looking north-west. Subject Site in foreground to the right, with existing Sandstone Wall in the foreground. 35 Beach Road Residence entry passageway to the left of the existing Sandstone Wall in the centre of photograph. 29 Beach to the left.**

**Non-compliant development will create considerable bulk and scale and privacy issues to the beach entry gate to 35 Beach.**

**The non-compliant proposed height of the upper roof exceeds the height of the existing gutter on the subject site by 4.0m [RL 15.0 v RL 19.0] and the new roof extends much further towards the south, creating an overwhelming sense of enclosure to the public domain and neighbours.**

**Concern over structural stability of existing Sandstone Wall from excessive vibration from excessive excavation.**



**Photo 8:**

**View from Public Domain south-east of the subject site looking north-west. Subject Site in background to the right. 29 Beach to the left.**

**Non-compliant development will create considerable bulk and scale and privacy issues to the entry to 35 Beach.**

**The non-compliant proposed height of the upper roof exceeds the height of the existing gutter on the subject site by 4.0m [RL 15.0 v RL 19.0] and the new roof extends much further towards the south, towards the viewpoint in this photo, creating an overwhelming sense of enclosure to the public domain and neighbours.**



**Photo 9:**

**View from Public Domain south of the subject site looking north.  
Subject Site in background to the right. 29 Beach to the left.**

**Non-compliant development will create considerable bulk and scale,  
overshadowing and privacy issues.**

**The proposed height of the upper roof exceeds the height of the existing  
gutter on the subject site by over 4m [15.08 v 19.00] and the new roof  
extends much further towards the viewpoint, creating an overwhelming  
sense of enclosure to the public domain and neighbours.**





**Photo 10:**

**View from 35 Beach Road looking north east, with subject site to the left. 29 Beach to the right.**

**The non-compliant development will create considerable bulk and scale, overshadowing, privacy and view loss issues from Living Room, Main Deck, Bedroom, and Study, and future view loss of ocean from the upper levels of 35 Beach Road.**

**The proposed roof to the South Wing will be 1.7m higher than the existing ridge and the proposed South Wing will project to the south, in a highly non-compliant envelope causing significant amenity loss.**

**The non-compliant proposed height of the upper roof exceeds the height of the existing gutter on the subject site by 4.0m [RL 15.0 v RL 19.0] , higher than the galvanised stack pipe on the existing dwelling, and the new roof extends much further towards the south, creating an overwhelming sense of enclosure to the public domain and neighbours.**

**We object to the loss of the Tree 11 that helps screen the development.**

**Council must insist on a photomontage from this location.**



**Photo 11:**

**View from 35 Beach Road looking north east from Living Room windows at standing eye level, with subject site to the front left. 29 Beach to the front right.**

**The non-compliant development will create considerable bulk and scale, overshadowing, privacy and future view loss issues from Living Room, Main Deck, Bedroom, and Study.**

**The proposed roof to the South Wing will be 1.7m higher than the existing ridge and the proposed South Wing will project to the south, in a highly non-compliant envelope causing significant amenity loss.**

**We object to the loss of the Tree 11 that helps screen the development.**



**Photo 12:**

**View from 35 Beach Road looking north east from Bedroom windows at standing eye level, with subject site to the left. 29 Beach to the right.**

**The non-compliant development will create considerable bulk and scale, overshadowing, privacy and future view loss issues from Living Room, Main Deck, Bedroom, and Study.**

**The proposed roof to the South Wing will be 1.7m higher than the existing ridge and the proposed South Wing will project to the south, in a highly non-compliant envelope causing significant amenity loss.**

**We object to the loss of the Tree 11 that helps screen the development.**





**Photo 13:**

**View towards single storey 35 Beach Road looking south west from proposed development**

**The non-compliant development will create considerable bulk and scale issues, overshadowing, privacy and future view loss issues to the Living Room and Main Deck, Bedroom to the right, and Study to the right [out of shot].**

**The proposed roof to the South Wing will be 1.7m higher than the existing ridge and the proposed South Wing will project to the south, in a highly non-compliant envelope causing significant amenity loss.**

**We object to the loss of the Tree 11 that helps screen the development.**



**Photo 14:**

**View towards single storey 35 Beach Road looking south west from proposed development**

**The non-compliant development will create considerable bulk and scale, overshadowing, privacy and future view loss issues to the Living Room and Main Deck [to the left], Bedroom to the right, and Study to the far right.**

**The proposed roof to the South Wing will be 1.7m higher than the existing ridge and the proposed South Wing will project to the south, in a highly non-compliant envelope causing significant amenity loss.**

.....  
**END OF WRITTEN SUBMISSION**