

Dear Planning Panel,

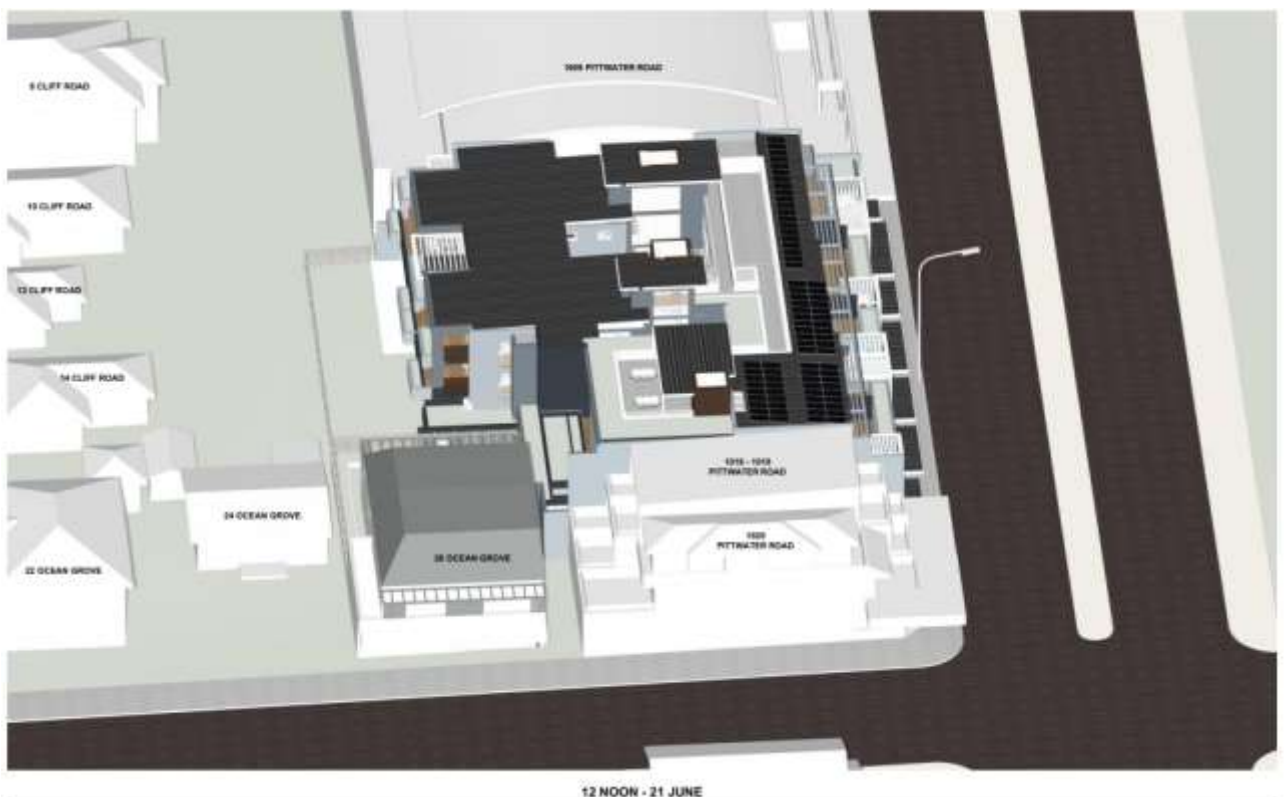
Re. DA2023/1395 (1010, 1012 & 1014 Pittwater Road, Collaroy NSW 2097)

Opening remarks

1. Thank you for the opportunity to make a submission in relation to the above proposed DA. I refer to my original submission to the Panel dated 13 October 2024, concerning my residence at 2/26 Ocean Grove Collaroy, and to the applicant's Amended Plan submitted on 20 November 2024 (hereby referred to as the "Amended Plan").
2. I wish to make this submission as the Amended Plan, with regards to 1014 (Lot 2 'DP 314645) Pittwater Road, continues to remain non-compliant with rear boundary setback provisions. The adverse impact primarily concerns inadequate access to light within the interiors of my apartment, resulting from an inadequate setback against my window. This window is located in my home office which is used on a daily basis during daylight hours.

Impact of inadequate rear boundary setback - upon light access from home office window

3. The Amended Plan, where it concerns the rear boundary of 1014 Pittwater Road ("hereby referred to as the "rear boundary") towards my residence, now includes a small 'carve out' setback measuring one metre in distance. The planning instruments require a minimum six metre rear boundary setback. The proposed setback is illustrated in Figure 1 below; reproduced as a copy from page two of the applicant's solar access plans that were submitted on 20 November 2024. This setback is considered inadequate where it concerns access to light, for the following reasons:



- 3.1 A one metre rear setback, combined with a zero-rear setback along the rest of the rear boundary at 1014 Pittwater Road, is not what is intended by the planning instruments. The regulations prescribe a six-metre rear setback applying to the entire length of the rear boundary.

- 3.2 Section 2H of the Apartment Design Guide ('ADG') provides that the proposed development *"provide access to light, air and outlook for neighbouring properties and future buildings."* As illustrated in Figure 1 above, proposing a narrow one metre 'well' will not provide any level of reasonable access to light to my property's window. Further, this proposal does not meet the objective found in Clause D6 of the Development Control Plan ('DCP'), being *"to ensure that reasonable access to sunlight is maintained."*
- 3.3 My property's window in question currently receives just less than two hours of sunlight, being less than the three hours envisioned in the regulations. Section 3B-2 of the ADG provides that *"where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%."* The proposed developments' one metre setback will significantly reduce this solar access, much greater than the standards threshold of 20%, and is a conclusion which is supported by the applicant's recent solar access plans.
- 3.4 In continuation, objective 3B-2 of the ADG further provides that *"if the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy."* The minimum prescribed in Section 3F of the ADG is a six-metre rear boundary setback.
- 3.5 Finally, in the case *'The Benevolent Society v Waverley Council [2010] NSWLEC 1082 (s.144)'* it was found that *"for a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself."* At present, sunlight directly penetrates into my window which provides light into the interior of my apartment. A one metre proposed 'well' prevents the window from 'being in sunlight.'

Impact of inadequate rear boundary setback – courtyard and other considerations

4. The proposed rear boundary setback does not observe additional provisions contained in the ADG, and this is outlined as follows:
- 4.1 The Amended Plan proposes a zero-rear boundary setback against the **courtyard** of my property, with a high wall sitting on the rear boundary of 1014 Pittwater Road. The implications of this, in view of adhering to the various planning instruments, is examined as follows:
- 4.4.1 In addition to the rear boundary setback provisions discussed above, Section 3F of the ADG provides that *"visual privacy balances site and context specific design solutions with views, outlook, ventilation and solar access."* In the context of the subject site 'enveloping' my courtyard, the zero setback on the rear boundary with its high wall increases the bulk and scale of the development; and impairs my amenity particularly around outlook. A properly set back subject site, along the entire rear boundary of 1014 Pittwater Road, would minimise the visual imposition.
- 4.4.2 Further, concerning the proposal limiting the setback to only a tiny part of the rear boundary of 1014 Pittwater Road, there is breach of an underlying principle of the ADG. This principle asserts that if the ADG applies to some of the site (e.g. the one-metre setback area) – then it should apply to the whole site (e.g. the full rear boundary of 1014 Pittwater Road).
- 4.4.3 The high wall on the rear boundary would contribute to a loss of sunlight into my courtyard after 2.00pm on 21st June, inferred from the applicant's most recent solar access diagrams.
- 4.4.4 Implementing a full rear boundary setback, along the entire rear boundary of 1014 Pittwater Road, will also help provide adequate access to light into my home office's window.
- 4.2 Neighbouring properties, located at 1016, 1018 and 1020 Pittwater Road Collaroy, do have rear boundary setbacks toward 26 Ocean Grove. Further, and just as important, this is implemented along the full length of their rear boundaries.

4.3 Section 2H of the ADG imposes a requirement that will “*achieve setbacks that maximise deep soil areas, retain existing landscaping and support mature vegetation consolidated across sites.*” As can be seen in Figure 3 below, an excerpt taken from page two of Council’s document dated 15 October 2024 and titled “Supplementary Memo - Item 4.2,” there is existing landscaping in the form of vegetation at the rear boundary. The proposed one metre setback, particularly at only a small area of the rear boundary, will not retain this existing vegetation. If, however, the subject site is appropriately setback along the entire boundary of 1014 Pittwater Road - there would be no loss of amenity enjoyed where it concerns existing vegetation and landscaping. Further, when viewed from the properties at Ocean Grove, it would allow softening of the built form.



Concluding remarks

- 5 The Amended Plan offers an inadequate ‘carve out’ of a one metre rear boundary setback - which breaches the six-metre rear boundary setback requirements of the various planning instruments. The primary impact is that the development will significantly reduce solar access that is currently relied upon from the window located in my home office. Further, the proposed setback has not been applied to the entire length of the rear boundary of 1014 Pittwater Road (as is required) which has amenity implications for my courtyard. Although the ADG prescribes a six-metre requirement, I would be willing to compromise at say four metres – provided this is applied at the whole length of the rear boundary of 1014 Pittwater Road (*and that the current proposed apartments are not brought further ahead*). This is clearly well below the ADG six-metre requirement and would result in a loss of amenity towards my property; however, this compromise would allow a sufficient amount of amenity to be retained.