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## Further objections in respect of the Development Application for 23 Hay Street Collaroy (DA2021/1824)

Submitted by Simon and Emilie Burns, [REDACTED]

We note that an amended Master Plan has been submitted. The master plan includes:

- Further detail regarding landscaping
- The addition of a shelf under windows to the northern boundary
- Minor shift of the external stairwell.

These amendments do not address in any material way any of the concerns raised in our prior objection, all of which remain.

In particular, we note the following additional concerns and objections:

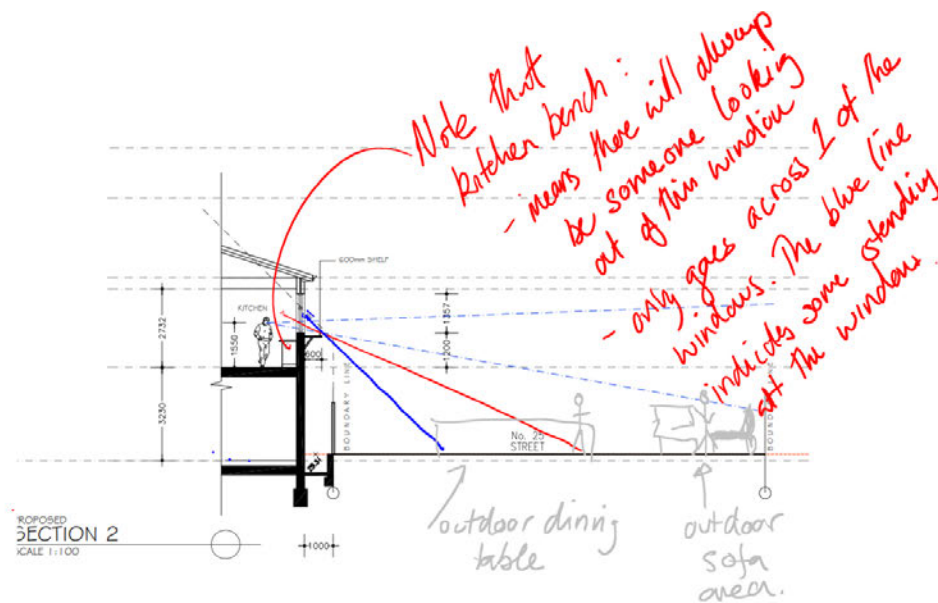
### **Privacy and overlooking**

The proposed inclusion of a 600mm shelf under some of the north facing windows do not address in any way the privacy and overlooking concerns previously raised in our earlier objection. In addition to this, the diagram included on the last page of the masterplan is entirely misleading as it:

- Only draws sight lines based on a small stature person, well under average male height
- Only draws sight lines when that small stature person is standing well back from the window, not when they are standing at or near the window.
- Finally, it incorrectly draws the sight line not at the edge of the shelf.

Further, it does not at all appreciate that the proposed kitchen window looks directly into the current bedroom window of 25 Hay Street.

Please see below for corrected diagram addressing these issues. As you can see from the below, the shelf provides no privacy protection at all – and overlooks our dining area and sofa area.



Further, the shelf under the windows provides no privacy protection from:

- The middle level balcony;
- From the external stairs;
- From the upper level windows; and
- From the upper level balcony,

all of which look directly over our private outdoor space.

The only way proper privacy can be achieved is by removing the windows or including only high level windows to allow in light, and / or including fixed shutters or screens that prevent the overlooking (note that these should not be moveable louvers). In addition, increasing the set back so that the building is compliant with side envelope requirements and inclusion of vegetation to soften the bulk and scale. For clarity, these types of protections are needed for all viewpoints from the norther side of the building, including upper level windows and balcony and middle level balcony and external staircase, as well as the staircase the entire way down the northern boundary.

#### Relocation of external stairs:

For completeness, we note that the relocation of the external stairs 1m or so does not materially impact overlooking issues. We request that privacy screening be included along the norther side of the stairs (as per our comments above).

#### Landscape plan:

The landscape plan indicates inadequate planting and no attempt to replant or retain any substantial vegetation, which means that the bulk and scale of the property will be very out of character with the existing dwelling and extensive canopy coverage on the existing site.

200mm lilly pilli plants will offer no privacy protection for 4/5 years. Mature plants need to be planted and canopy coverage (ie trees) should be planted to retain the character of the existing site.

In addition, we note that the landscaping plan needs to include planting of mature trees to replace any mature trees that are proposed to be removed. These should be eucalypts.

We also note that DA2018/0087 is currently in breach and this should be remediated and accommodated in the landscape plan. DA2018/0087 approved the removal of two large eucalypts on the condition that they were replaced with two trees that would reach 6m height within 6 years of planting and that they would be maintained until they reached that height. However, these conditions have never been met and we formally object on that basis and request that the council enforce these conditions. We also note that since these conditions were not complied with in 2018, it is reasonable for mature trees to be required to be planted so that the 6 meter height requirement is achieved by 2024 as originally required.

We also note that the proposed planting of small buxus hedges near the driveway to the north also provide no privacy from overlooking from their driveway directly into our children's bedroom. We request that larger native plants be incorporated that both are in keeping with the native flora in the area and provide privacy protection and softening of the bulk and scale of the dwelling.

We also note and reiterate that the landscaping, when properly counted, remains materially in breach of the 40% landscaping control. There is no reason for this to be the case, other than an excessive and unsympathetic building on the block (noting the floor space ratio is circa 1.15:1).

#### **Further comments**

We ask Council to confirm whether it is assessing the building as a new build or as an addition + extension.

As remarked above, the floor space of the proposed dwelling is approximately 800m<sup>2</sup>, and the floor space ratio is approximately 1.15:1.

The proposed dwelling is simply too big for the site. Consistent with the planning principle confirmed in *Salanitro-Chafei v Ashfield Council* [2005] NSWLEC 366, there is a general acceptance by the planning profession that an open suburban character is most easily maintained when the FSR of buildings does not exceed 0.5:1 and low density residential areas (such as the applicable zoning for 23 Hay Street) should be generally consistent with this FSR.

In *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 the court established a planning principle on compatibility between a building and its surroundings, stating that, in order to test whether a proposal is compatible with its context, two questions should be asked:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

We consider that the proposed new dwelling at 23 Hay Street is **not compatible** with its context because of the following:

- It is simply too large for the site – being with an FSR of 1.15:1;
- by orientating numerous large windows directly to the northern boundary with 25 Hay Street, it
  - o causes dramatic overlooking of existing bedroom windows and private open space at 25 Hay Street; and
  - o potentially impede development potential for 25 Hay Street, noting that any natural, modest extension of that property to the rear would necessarily impact sunlight into those windows;
- there will be a dramatic height difference with neighbouring property at 25 Hay Street. Whilst the current dwelling at 23 Hay Street has an existing breach of height controls, the height is materially graduated with a large set back and steps down to 25 Hay Street so that the visual impact is mitigated. However, the proposed new development removes this graduation, set back and step down in height and so the height and building will become imposing and out of context with its surroundings.
- Similarly, from the northern boundary there is currently a material void and set back so that the height of the building is mitigated. This again is materially removed.
- The excessive development of the site requires the removal of large canopy trees, which means that the building will dominate all views and there is none of the existing softening by landscaping, with no balance at all between the building and vegetation.
- Canopy trees currently define the character of 23 Hay Street to the rear and from 25 Hay Street, and the proposed dwelling does not provide any opportunities to maintain canopy trees and the landscape plan does not include any replanting of canopy trees.
- Finally, the sheer size of the development (ie 800m<sup>2</sup> floor space) is not in character of the street and is excessive.

Refer below for some detail.

***Current streetscape. Noting large canopy area and step down in dwelling height and void between 23 Hay Street and 25 Hay Street.***



Proposed redevelopment. Note loss of canopy trees, loss of graduated height and void between height of 23 Hay Street and 25 Hay Street. Note also further raising of height of garage.

