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**Sent:** 5/07/2023 7:05:55 AM  
**Subject:** Submission for DA2023/0225 (891 Pittwater Road, Collaroy)  
**Attachments:** Submission-McKell-20230704.pdf;

04 July 2023

To: Northern Beaches Council  
Attn: Jordan Howard

Dear Jordan,

Re: DA 2023/0225  
Demolition works and construction of a new dwelling at  
891 Pittwater Road, Collaroy

In relation to the proposed development, we note amended reports for *Clause 4.6* and *Statement of Environmental Effects* have been submitted to Council. Below is our response in relation to these amended reports:

1. The amended *Clause 4.6* variation includes *Merman Investments Pty Ltd v Woollahra Municipal Council* in the list of relevant case law; however, this approach has not been applied to the stated building height in the amended report. *Merman Investments Pty Ltd v Woollahra Municipal Council* sets the precedent for measuring the maximum height of buildings from the existing ground level within the building, or the existing excavated level on the site. In this case, it would be the floor of the lower level and garage of the existing house, noted as RL8.21 on the submitted survey plan. Measuring from RL8.21 results in a building height of 9.19m, a variation from the LEP height control of 690mm (not 390mm as the amended report indicates).

We request for:

**Amended plans to be submitted indicating where 8.89m has been measured from.**

2. The stated building height has been amended to 8.89m (up from 8.80m), but there is no indication where this new height has been measured from? The previous *Statement of Environmental Effects* included elevation drawings indicating a height line. These drawings have been removed from the amended report.

We request for:

**Amended elevation drawings to be submitted indicating the new height line.**

3. The extent of overshadowing resulting from the proposed development can not be assessed without correct and certified shadow diagrams, as the submitted shadow diagrams are incorrect and misleading.

We request for:

**Accurate and certified shadow diagrams to be submitted, indicating:**

- i) overshadowing, resulting from the existing dwelling; and
- ii) increase in overshadowing, resulting from the proposed development.

4. The proposed new three (3) storey building:
  - a) has not been designed to minimise bulk and scale - it will be visually dominant because of the three (3) storey design and consequential non-compliant building height;
  - b) is not in keeping with the surrounding buildings, as neighbouring homes are two (2) or one (1) storey buildings. Several immediate properties to the east and west of 891 Pittwater Road have a garage or subfloor level because of the sloping topography - which results in the "perception of a three (3) story building" when viewed from the street - but they are two (2) storey buildings.

We request for:

**Council to insist that the building design be amended to a two (2) storey building that is visually compatible with the nearby properties, and fully compliant with all aspects of Warringah DCP and LEP.**

Fundamentally, there is no reason why a completely new build can not fully comply with all controls.

Yours sincerely,

DA and HL McKell  
893 Pittwater Road, Collaroy NSW 2097