

**From:** [REDACTED]  
**To:** [Council Northernbeaches Mailbox](#)  
**Subject:** TRIMMED: Submission re. DA2023 / 1395  
**Date:** Sunday, 1 September 2024 7:04:24 PM  
**Attachments:** [Objection letter 3.docx](#)

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Dear Northern Beaches Council

Please find attached my letter of objection concerning DA2023/1395. I kindly request that this submission be read in conjunction with my previous two submissions.

Could you please **redact** certain personal information (including Given name, Family Name, Phone number, email address)

Please let me know if you have any questions

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

Dear Adam Croft,

**Re. DA2023/1395 (1010 – 1014 Pittwater Road, Collaroy NSW 2097)**

1. I refer to the above application and wish to make a third submission; concerning the impact of the above proposed development upon my property at 2/26 Ocean Grove Collaroy. I also refer to my second submission dated 3 June 2024 and to the applicant's most recent amended Plan dated 5 August 2024 (hereby referred to as the "Amended Plan").
2. The applicant's Amended Plan continues to remain non-compliant with the relevant planning instruments as was previously examined within my second submission. The purpose of this third submission is to only briefly summarise the significant adverse impact this proposal would have upon my amenity of my property. This includes, but is not limited to:
  - 2.1 The proposed development contravenes both the three and six metre side setback / building separation requirements, being specified in Section 3F of the *Apartment Design Guide* ('ADG'). On the Northern boundary against my property for example, the applicant proposes a zero setback on the Ground Level and two and a half metres 'setback' to other levels. These inadequate side setbacks, which give rise to the erosion of my amenity, form the basis of my objections.
  - 2.2 The proposed design would eliminate my front outlook towards the sky, given that the subject site would stand 11 metres high - sitting at the boundary of my property - with inadequate setbacks at all levels. It is an unreasonable proposition put forward by the applicant, as is sighted by the 'blue outlook arrow' drawn on page four of the Amended Plan, that outlook can be obtained from an obscure small spot of my property situated at the extreme right corner of my living room door.
  - 2.3 The zero side setbacks at the Ground level, considering the proposed development is wrapped around both sides of my property, has a significant adverse visual impact. The visual domination the proposed design would impose upon my small courtyard apartment is in opposition to the objective contained in Clause D9 'Building Bulk' of the *Development Control Plan* ('DCP') which require developments "*to minimise the visual impact of development when viewed from adjoining properties..*"
  - 2.4 The proposal would result in substantial overshadowing of my property given the scale, height and inadequate side setbacks of the subject site. The diagrams produced on page 18 of the Amended Plan strengthen my argument that the proposal will result in my property becoming an unliveable dark box. The diagrams, prepared and presented by the applicant, clearly show my property and courtyard immersed in shadow all day; in particular at 15.00 military time when my property would otherwise receive Western sunlight but will instead be blocked by the inadequately set back site.
  - 2.5 The Amended Plan would induce an overall acute loss of solar access, sunlight and air - having been primarily driven by the non-compliant side setbacks. The proposal would see my courtyard closed off by two high walls at the border line on the Ground level which would block the solar and light access currently received from both South and West orientations.
  - 2.6 One of the most significant ramifications of the proposed development arises from the proposed 100% blocking of my bedroom window, in the applicant's pursuit of a large storage room on the other side, which would have a catastrophic impact upon the solar and light access currently relied upon within the interior of my apartment. The applicant's plans, including any shadow diagrams, do not and cannot convey the seriousness of this design choice which has the impact of dismantling the liveability of my home.
  - 2.7 Given the significant adverse solar impact upon my property, the proposed development is clearly not compliant with Section 3B-2 of the ADG which requires that "*the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.*" Further, I would implore Council to enforce an increased side setback (beyond the minimum three-metre requirement in Section 3F of the ADG) given the planning instrument 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.*"

- 2.8 The proposed development will bring about visual privacy risks, particularly from the western elevation of my property, whereby prospective residents would be able to overlook into my private courtyard. The small-scale plantings put forward in the Amended Plan do not offer any meaningful response toward my reasonable concerns of overlooking capacity resulting from such a large-scale development that borders both sides of my property. As such, considering the height, scale and bulk of the development, any shallow plantings proposed do not constitute any proportionate privacy solution.
- 2.9 The proposed communal open space, which exceeds the 11-metre height requirement and proposes greater visible mass and bulk, has an adverse impact upon the amenity of my property. This is because the breached height exacerbates the effect of the negative visual impact the imposing subject site, with its lack of prescribed setbacks and proportionate landscaping, has upon my property. Further, the breached height compounds privacy concerns due to prospective residents being able to overlook into my courtyard from the communal open space (which is the very object that the breached height houses).
3. The Amended Plan would have a profound adverse impact upon the amenity of my property, whereby outlook, solar, light and air access and privacy are grievously diminished, beyond any reasonable level. Despite reasonable solutions being offered, with regards to adequate side setbacks and proportionate landscaping for example, the current Amended Plan has not satisfactorily addressed these issues. Given that there have now been four amended plans submitted, neither of which have brought the issues discussed in my submissions to any level of compliance with the relevant planning instruments, I request that this development application is refused.