

SUBMISSION: BUCKLE & DORSEN
a written submission by way of further objection to DA 2019/1522

29 & 35 Beach Road
Collaroy
NSW 2097

29 July 2020

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

Northern Beaches Council
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
Amendment "C" Application
Submission #5 Buckle & Dorsen

We refer to the Amended Plans, **Amendment "C" Application**, uploaded onto NBC website on 29 July 2020.

We confirm that **we will be making a further Written Submission to Amendment "C" Application**, once all drawings are uploaded to the NBC Website

We ask NBC to upload the following DA drawings that were referred to within the Architect's Schedule referred to as **Amendment "C" Application**.

These are important drawings for all neighbours to consider and without them, only a partial Written Submission will be able to be made by Neighbours against this Amendment “C” Application, due to incomplete information being supplied.

The drawings that are missing from NBC website are as follows:

The following plans have been added to the application:

- DA 109 - Analysis of proposal against DCP-B1 “Wall Height” and DCP-B3 “Side Envelope” controls. Partial Sections I-I’ & J-J’.

The drawings that are missing from NBC website are as follows:

The following plans have been amended to match the updated proposal:

DA 107 – Analysis of proposal against DCP-B1 “Wall Height” and DCP-B3 “Side Envelope” controls. DA 108 – Analysis of proposal against DCP-B1 “Wall Height” and DCP-B3 “Side Envelope” controls.

DA 110 – Proposed Basement Plan

DA 120 – Proposed Ground Floor Plan.

DA 130 – Proposed First Floor Plan.

DA 150 – Floor Space Ratio Calculations Proposed

DA 300 – Proposed Sections A-A’ & B-B’

DA 310 – Proposed Sections C-C’ & D-D’

DA 320 – Proposed Sections E-E’ & F-F’

DA 330 – Proposed Section H-H’.

The building envelope has changed however the following solar loss drawings have remained unchanged. Could Council ensure that the large 5m high wall that is proposed parallel to the boundary, on top of the existing sandstone wall, is included within this solar loss drawing. This is not a boundary wall, as the southern boundary is further to the south. Could NBC ensure that these DA drawings are modified and uploaded:

- DA 500 REV B

- DA 501 REV B
- DA 502 REV B
- DA 520 REV B
- DA 521 REV B
- DA 522 REV A
- DA 523 REV A
- DA 524 REV A

The following drawings are incorrect in respect to the view loss from 35 Beach Road. The view loss must be taken from the centre of the main living room zones, and that zone is to the south of the eastern elevation. The loss of view is between the existing dwelling at #41 and the proposed new dwelling that extends well to the south are misleading in this respect, and require amendment.

- DA 800,
- DA 810
- DA 820

There are many drawings submitted that simply must be incorrect, or have not been updated which will cause considerable confusion to Council and neighbours, relating to this Amendment.

- DA 105 rec C
- DA 106 rev C

There are drawings without sufficient levels to define the altered roof configuration facing south. Levels on the drawings are incorrect, and make little sense, as higher levels are recorded on these drawings under lower levels recorded? There is a level at 15.55 that does not make any sense. There are no drawings currently on NBC website defining the setbacks to the define what is proposed:

- DA 200 rev D
- DA 201 rev D

According to these drawings Point M is still 223% non-compliant, requiring a setback of 7.6m!

A simple check at Point J, not relying on the above incorrect drawings, still shows the upper level requires to be setback a further 1m to comply the Side Envelope control:

Point J

Proposed Height RL 18.17

Level at Boundary RL 4.85

Required setback to fall within DCP B3: $[18.17 - [4.85 + 4] = 9.32\text{m}]$

Proposed Setback 8.35m

Non-compliance 11.6%

Condition required: Setback Point J minimum 9.32m

Point J remains with a height of 8.96m above the existing Pool Concourse.

Point J exceeds Wall Height and Building Height development standards.

Point J2

Point J2 sits on top of a retaining wall.

The applicant has not considered Point J2 existing ground levels according to *NSWLEC 1189 Stamford Property Services Pty Ltd v City of Sydney* identifies that where previous ground levels are altered then the outcome should be:

“...to apply a ground plane across the site drawn from ground lines at the boundaries of the site. This ensures a practical application of the height standard.”

Point J2 ground level existing as presented by the Applicant is 1.4m higher than a Stamford consideration.

Point J2 exceeds Wall Height and Building Height development standards.

Point M

Point M ground level existing as presented by the Applicant at RL 8.75m is 2.0m higher than the base of the pool at RL 6.75, over which it is located, and any consideration within *Stamford*, considering that the boundary level is at RL 4.6m only 4m away, would make the ground level existing even lower.

Point M exceeds Wall Height and Building Height development standards.

It is impossible to check these points accurately, as there are no height levels given, or proposed dimensions to the southern boundary.

As to whether DA 106-C rev D is at all accurate, is impossible to say at this point. Drawings DA 200 and DA 201 are simply incorrect. It does not give much confidence.

What we do know is that the entire southern wing remains non-compliant to controls.

We unfortunately have to repeat, that If the Applicant relies upon incorrect information, then we reserve our position on the validity of any future approval, and we reserve our right to challenge the validity at any time.

Council, as consent authority, has not been provided with sufficient probative material to form a proper basis for lawful action. The drawings are fundamental inaccurate, incorrect, and incomplete. We have been highlighting to Council these matters since the DA submission, yet we once again have to present these matters once again.

It would be preferable if this 29 July 2020 plan set is simply withdrawn, and replaced once all these matters are addressed.

The drawings submitted have still not dealt with the amenity losses, and again present incorrect information in this respect:

- Overshadowing
- Privacy
- View Loss
- Visual Bulk

Once the next set of drawings are submitted we will formalise our objection.

Yours faithfully,

Mr & Mrs Bill & Victoria Buckle
29 Beach Road
Collaroy

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