
From: [REDACTED]
Sent: Sunday, 13 October 2024 6:31 PM
To: Planning Panels - Northern Beaches
Subject: Submission to Panel re. DA2023/1395
Attachments: Submission to Panel 13 Oct 2024.docx

Categories: NBLPP

Dear Northern Beaches Local Planning Panel,

Please find attached my submission to the Panel concerning DA2023/1395.

If Council's practice is to publicly publish submissions made to the Panel, could I please request that my name is **redacted**

[REDACTED]

Please let me know if you have any questions

Kind regards,

[REDACTED]

Owner occupier at Unit 2, 26 Ocean Grove Collaroy

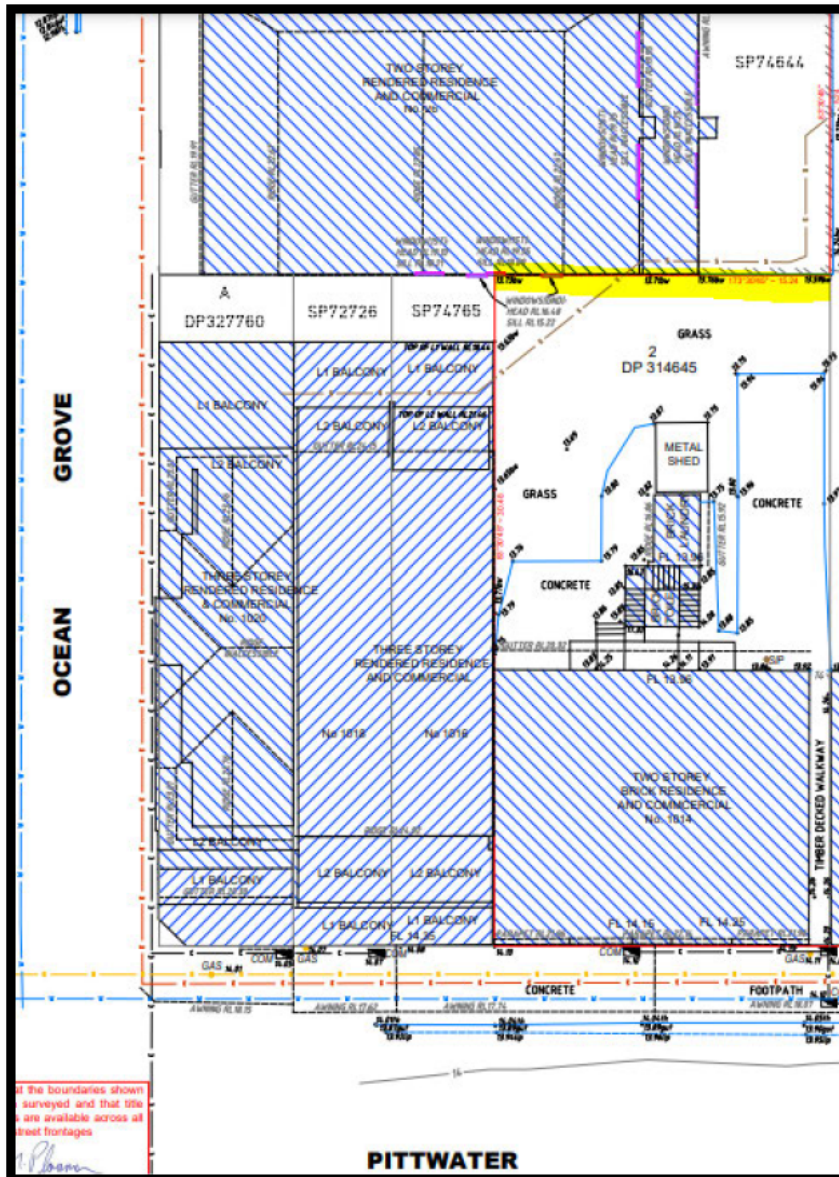
Dear Planning Panel,

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

1. I am the owner occupier of 2/26 Ocean Grove Collaroy and wish to make a submission to the Planning Panel in response to Council's Assessment Report dated 8 October 2024 (hereby referred to as "the Assessment Report"), a copy of which is contained in the NBLPP meeting agenda (hereby referred to as the 'agenda').
2. This submission concerns the proposed development fully blocking my bedroom window, located at the western elevation at 2/26 Ocean Grove Collaroy, by an eastern wall proposed by the applicant and located at 1014 Pittwater Road Collaroy. This eastern wall proposed also partially blocks the bedroom window of 5/26 Ocean Grove Collaroy. This submission examines how Council, in their Assessment Report, have wrongly identified this boundary as being a side boundary rather than a rear boundary; and therefore, failed to apply the correct mandated rear setbacks.

3. Survey Plans

3.1 I refer to page one of the Survey Plans dated 29 April 2024 and produce an excerpt below. I have highlighted in yellow the borderline between my property at 26 Ocean Grove Collaroy ('SP74644') and the applicant's land at 1014 Pittwater Road Collaroy (Lot 2 'DP 314645').

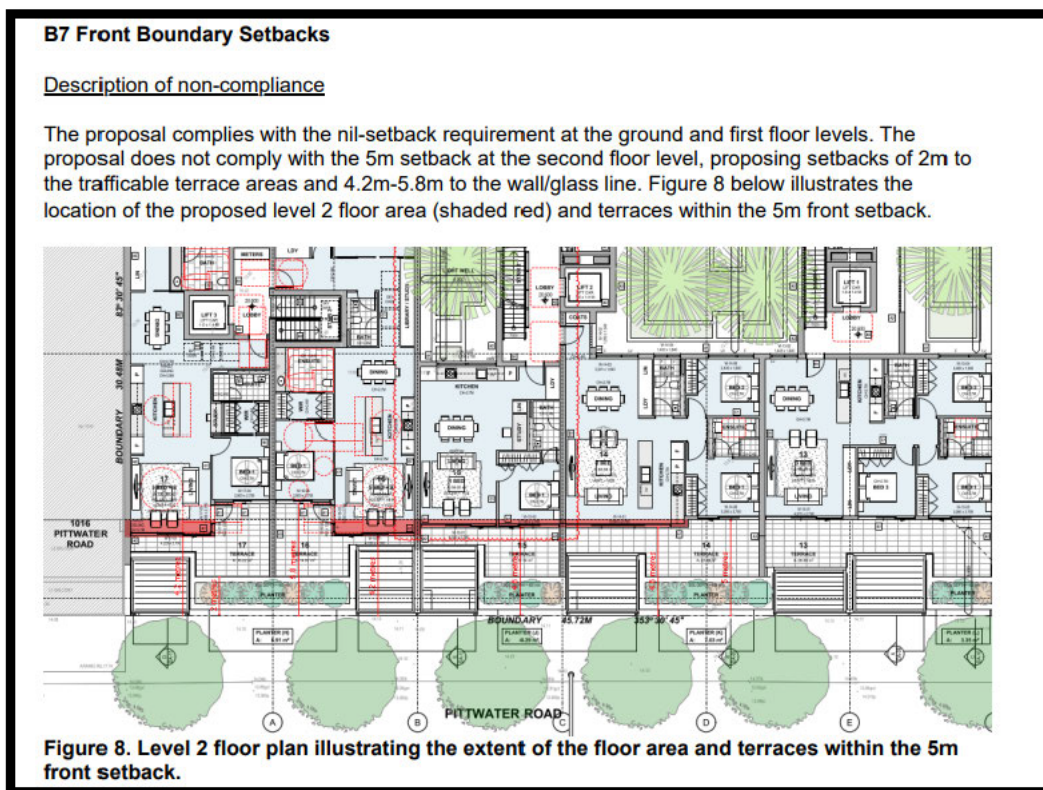


3.2 The above survey plans clearly show that if the front boundary of 1014 Pittwater Road Collaroy ('DP 314645') is the aspect that is adjacent to Pittwater Road, then by definition of opposite, the rear boundary of 1014 Pittwater Road Collaroy ('DP 314645') must be located on the borderline highlighted in yellow above.

4 Front and Rear of 1010 (Lot 4 'DP6777') and 1012 (Lot 3 'DP6777') Pittwater Road

The above reasoning of 1014 Pittwater Road is consistent with Council's Assessment Report which refers to the front boundaries of 1010 and 1012 Pittwater Road being adjacent to Pittwater Road (refer to section 4.1 below) and that the rear boundaries of 1010 and 1012 Pittwater Road are adjacent to the properties located on Cliff Road Collaroy (refer to section 4.2 below).

4.1 The Council is aware that the front boundaries of No's 1010, 1012 and 1014 Pittwater Road Collaroy face Pittwater Road. This is supported by reference to Section B7 of the Assessment Report, located on page 141 of the agenda and a copy produced below, whereby the Council has referred to the aspect facing Pittwater Road as being each of the three property's front boundary.



4.2 The Council is also aware that the rear boundaries of No's 1010 and 1012 Pittwater Road Collaroy are adjacent to the properties located on Cliff Road Collaroy; as evidenced for example on page 117 of the agenda – an excerpt produced below

Deep Soil Zones	Deep soil zones are to meet the following minimum requirements:		Consistent The proposal provides a deep soil area of 219m ² (11.8%) adjacent to the rear boundary of the site.	
	Site area	Minimum dimensions		Deep soil zone (% of site area)
	Less than 650m ²	-		7%

4.3 The Council is therefore clear on where the front and rear boundaries of both 1010 and 1012 Pittwater Road Collaroy ('DP 6777') are located. This is not in contention.

5 Flaw in Council's assessment on the boundaries of 1014 (Lot 2 'DP 314645') Pittwater Road

- 5.1 The conclusion reached by Council in their Assessment report, found on page 89 of the agenda and re-produced below, with reference to the blocking off my bedroom window - is that the subject area is '*located on the side boundary*' as follows:

Similarly, the amendments made have also improved the interface to 26 Ocean Grove through a reduction in the height of the ground floor boundary wall and increased setbacks to levels 1 and 2. It is noted that a bedroom window at the western elevation of 2/26 Ocean Grove will be covered by the ground floor eastern wall of the proposal; the maintenance of natural light to this window is not considered achievable as it is located on the side boundary and is comprised of glass bricks. The amended proposal largely complies with the 9m required separation distance to the rear (western) boundary, with only the rear terraces extending to within 7.5m-8.7m of the boundary.

- 5.1 A map of the subject site is found on page 84 of the agenda and is reproduced below. In their Assessment Report, and as discussed in Section 4 above, Council had established that **all three of the applicant's lots have a front boundary facing Pittwater Road Collaroy**. Further, Council have marked the rear boundaries of 1010 and 1012 Pittwater Road as being the boundaries facing Cliff Road Collaroy. It is therefore illogical for Council to conclude that the boundary of 1014 Pittwater Road that faces 26 Ocean Grove is anything but the rear boundary of DP 314645; since the rear boundary is the 180-degree opposite of the front boundary. Furthermore, both the front and rear boundaries of each three lots run parallel to each other.

Map:



- 5.2 I have obtained professional advice from an Architect and Town Planner that provides that my bedroom / window, is located on **my side boundary at 26 Ocean Grove**. From the applicant's viewpoint, it is on their rear boundary to the specific property at 1014 Pittwater Road Collaroy (Lot 2 'DP 314645').
- 5.3 As such this proposal is in breach of the rear setback requirements contained in the Development Control Plan ('DCP') and Apartment Design Guide ('ADG'), which require at least a six-metre rear setback.

6 Adjacent properties that do adhere to rear setbacks

By way of comparison, the survey plans show that neighbouring properties located at 1016 ('SP72726') and 1018 ('SP74765') Pittwater Road Collaroy also have their front boundaries on Pittwater Road - but have a rear boundary setback towards 26 Ocean Grove Collaroy. For the applicants land at 1014 Pittwater Road, they propose a nil rear boundary setback towards 26 Ocean Grove Collaroy.

7 Additional considerations

The following briefly outline additional factors that do not seem to be examined in the Assessment report, in relation to the full covering of my bedroom window, and also the partial covering of the bedroom window at 5/26 Ocean Grove:

- 7.1 The window currently provides access to sunlight in my bedroom; the proposal would eliminate this and make it a bedroom that is non-compliant with today's requirements.
- 7.2 Given this window is one of two windows in my apartment, there is non-compliance 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%.*"
- 7.3 The removal of a window which allows light into my apartment has an adverse amenity impact that does not align with section F1 (4) of the DCP which provides that "*development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.*" Further, it precludes any argument of merit consideration as amenity of adjacent land is not preserved.

8 Concluding remarks

The subject site includes three plots located at 1010 and 1012 Pittwater Road Collaroy ('DP 6777') and 1014 Pittwater Road Collaroy ('DP 314645'); each of which have a front boundary adjacent to Pittwater Road. In their Assessment Report, Council have incorrectly identified that the location of my bedroom and bedroom window is on the applicant's side boundary. However, it is in fact located on *my side boundary at 26 Ocean Grove*; and on the **applicant's rear boundary of 1014 Pittwater Road Collaroy (Lot 2 'DP 314645')**. Accordingly, DA2023/1395 must be refused on the grounds that the proposed development on DP 314645 has a nil rear boundary setback towards 26 Ocean Grove.