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**Sent:** 22/06/2020 9:12:46 PM  
**Subject:** Fwd: Correction to Submission  
**Attachments:** image001.png; ATT00001.htm; S&C Dan Written Submission Re-DA20191522.pdf; ATT00002.htm;

Hi ladies,

Can you please replace this submission with the earlier one from Simon Dan.

Thanks

Anne-Marie

Sent from my iPhone

Begin forwarded message:

**From:** Simon Dan  
**Date:** June 22, 2020 at 5:41:14 PM GMT+10  
**To:** Anne-Marie Young  
**Cc:** Cindy Dan  
**Subject:** Re: Correction to Submission

Hi Anne-Marie,

Please see attached.

Regards,

Simon Dan  
0404876919

On Mon, Jun 22, 2020 at 5:11 PM Anne-Marie Young <[Anne-Marie.Young@northernbeaches.nsw.gov.au](mailto:Anne-Marie.Young@northernbeaches.nsw.gov.au)> wrote:

Hi Simon,

As the submission is released on line would it please be possible to send me a new copy of the complete submission with the amendment you want. I will then replace this with the older copy.

Thanks

**Anne-Marie Young**

Principal Planner

Development Assessment

**t** 02 8495 6507    **m** 0435 519 965

[anne-marie.young@northernbeaches.nsw.gov.au](mailto:anne-marie.young@northernbeaches.nsw.gov.au)

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)



# northern beaches

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**From:** Simon Dan <[simon@danproperties.com](mailto:simon@danproperties.com)>  
**Sent:** Monday, 22 June 2020 4:54 PM  
**To:** Anne-Marie Young <[Anne-Marie.Young@northernbeaches.nsw.gov.au](mailto:Anne-Marie.Young@northernbeaches.nsw.gov.au)>  
**Cc:** Cindy Dan <[cindy@danproperties.com](mailto:cindy@danproperties.com)>  
**Subject:** Correction to Submission

Hi Anne-Marie,

As per our conversation please change the second sentence of the last paragraph of our submission from:

*"This could be to move the eastern wall of the upper storey sufficiently further away from the western boundary and/or slope it in such a way that would significantly reduce the scale and bulk when viewed from our property."*

To:

*"This could be to decrease the size of the upper storey by moving the western facade away from our rear boundary and/or slope it in such a way that would significantly reduce the scale and bulk when viewed from our property."*

Please let me know if you have any questions.

Regards,

Simon Dan

## Northern Beaches Council

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**Simon and Cindy Dan**

39 Beach Rd  
Collaroy NSW 2097

18 June 2020

**Development Assessment****Northern Beaches Council**

725 Pittwater Rd  
Dee Why NSW 2099  
council@northernbeaches.nsw.gov.au

**WRITTEN SUBMISSION RE: DA2019/1522 – 41 to 43 Beach Rd Collaroy**

Dear Anne-Marie Young,

We are the owners of 39 Beach Rd Collaroy. Over the past 18 months we have been in discussions with the owners of 41 and 43 Beach Rd regarding their proposed development. We are congruous with the majority of the design in regards to our property.

We would however like Council to consider the following in relation to DA2019/1522 and its impacts on our amenity. Our main concerns are in regard to the upper level of the southern wing being:

- View impacts
- Visually dominate height, bulk and scale when viewed from our private open space

**View Impacts**

Our living area is located on our upper level and we currently enjoy extensive views to the east and south of the ocean, Fishermans Beach and the iconic Long Reef headland from our living, kitchen, dining areas and master bedroom. We also currently have views between the existing houses of the Norfolk Island pines, Stanley and Florence Twilight Reserve and ocean to the north east.

The proposed upper storey of the southern wing has a significant impact on our ocean views. The lower storey has an impact on our views of Fishermans Beach. The view analysis (Plans - External drawing DA 800 and DA 810) and

photomontages (Plans - Amended B drawing DA 830) grossly misrepresent the actual views of the proposed and existing with regard to our amenity.

The proposed development has a significant visual impact, as such we request a visual impact analysis be done using a collection of verified photomontages. A verified photomontage is to accurately illustrate what the proposed development may look like to a human standing at the photographic viewpoint. This would require surveying of photographic viewpoints and control points from predetermined locations.

It is a requirement under D7 and an objective under B5 of the WDCP that development shall provide for the reasonable sharing of views. Considering the impact to views Council should rely on a more accurate analysis in its assessment than what has been provided by the Applicant.

### **Western Boundary Bulk and Scale**

We request that drawing no. DA 210 West Elevation Proposed include the southern wing two storey element. In the original and amended plans this view has been obscured and therefore there is no elevation shown of this facade. The elevation must also show the relevant and correct height controls in the same plane as the walls.

The WDCP B3 side boundary control relates to this boundary. This is a shared boundary with our rear boundary. The B3 objectives are:

- *To provide opportunities for deep soil landscape areas.*
- *To ensure that development does not become visually dominant.*
- *To ensure that the scale and bulk of buildings is minimised.*
- *To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.*
- *To provide reasonable sharing of views to and from public and private properties.*

The proposed upper level of the southern wing is a flat vertical wall directly opposing and in the middle of our rear boundary and private open space. The erection of height poles clearly shows the visually dominant height, scale and bulk of this element when viewed from our rear private open space. The height poles also show the impacts to our ocean views. Therefore we believe that this element of the proposed development does not meet **most of** the above objectives with regard to our property.

We also request Council clarify why the Applicant's western boundary has been classified under "B3 side boundary envelope" and "B5 side boundary setback".

The relevant control under the WDCP for our rear boundary is B9. The objectives of this control are:

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Considering the proposed dwelling is along an east/west axis (as all other houses on Beach Rd are) and spans over the consolidation of two blocks shouldn't the same objectives need to be met for the proposed development particularly "*to create a sense of openness in rear yards*"?

### **Southern Boundary Envelope Compliance**

Drawing DA 300 Section B-B in Plans - Amended B - Revision shows an incorrect position of the southern boundary when read in conjunction with Plan - Survey. The line indicating the B3 side boundary envelope control appears to be measured from inside the boundary. The correct levels to be measured from are RL4.24, 5.64, 7.4 and 9.28 as per the Applicant's survey. Therefore the correct position should be below the sandstone wall, not on top as indicated in the Applicant's drawings.

We request that this control be shown as per the WDCP:

*"Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries".*

These levels should also be accurately shown on all the relevant drawings in any amended plans.

Due to the steeply sloped nature of the site and the complexities of the design we request multiple sections of the southern wing be shown on the plans in parallel to Section B-B. This will help to accurately gauge where the boundary envelope lies and ensure that the development is fully compliant.

## **Conclusion**

We would like the Applicant to amend the drawings to:

- Accurately show the view impacts of the development.
- Accurately show the western boundary facade.
- Accurately show the southern boundary envelope control and show sections of the southern wing along this boundary.
- Show a fully compliant development.

These amendments would give a more correct representation reflecting the existing conditions and proposed developments compliance.

We have concerns over the significant view impacts of the southern wing and we would like Council to clarify how it intends to assess these significant view impacts. The Applicant's view analysis is grossly misrepresentative.

We have concerns over the height, scale and bulk of the upper storey element of the southern wing. We also have concerns about its impacts on the amenity of our rear private open space.

Concerns were raised by Council regarding height, bulk and scale and view impacts of this element of the design and documented in the Pre Lodgement Advice PLM2019/0024.

In addition, the General Notes read:

*"If there is an area of concern or noncompliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application."*

Even though it seems the Applicant has now complied with the numerical guidelines regarding the western boundary in Plans - Amended B - Revision the revisions have only moved these elements closer. This has resulted in positioning it more in the middle of our private open space and thus the objectives of these controls have not been met. The adverse impacts of this element still remain. Height poles clearly show this and the amendments have not eased concerns originally raised by Council in February 2019.

Since we understand that the Applicant has reasonable development rights we would like to offer a solution. This could be to decrease the size of the southern wing upper storey by moving the western facade away from our rear boundary in such a way that would significantly reduce the scale and bulk when viewed from our property. This would also ensure the proposed upper storey has less impact on our views.

Thank you for your consideration.

Regards,

Simon and Cindy Dan

