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**From:** skyexie  
**Sent:** 5/09/2022 9:59:00 AM  
**To:** Council Northernbeaches Mailbox  
**Subject:** Submission to amended DA2022/0935  
**Attachments:** response to amended DA.docx;

5 September 2022

The General Manager

Northern Beaches Council Civic Centre

725 Pittwater Road

DEE WHY NSW 2099

Dear Mr Dean Pattalis,

RE: DA2022/0935 – 31 Jocelyn St, North Curl Curl Proposal

Thank you very much for updating us the amended DA. We respond to the amended plan.

1. The amended plan contains incorrect data.

Based on multiple key data errors in the amended drawings, we strongly repeat our request to install height poles. We also draw Council's special attention to these errors.

The main errors are:

(1) The balcony floor level is incorrect. The architect and applicant did not take reasonable care to investigate and accordingly modify their DA after our submission. The amended DA.11 still contains misleading information for our view loss. Upon investigating the discrepancy, we contacted the surveyor who claimed to provide an confirmation to the applicant on 2 Sep 2022 showing the correct balcony floor level measurement as 52.00, as we had claimed.

(2) Amended DA.11 shows 'previous upper extent' as RL 53.64, but does not show the amended upper roof height. Scale measurement of the proposed amended upper roof is roughly RL53.51. However, amended DA.07 states upper roof is RL54.03. Why computer auto-generated data in one DA could be discrepant?

(3) The proposed building height in amended DA.11 was only lowered roughly 0.1m, but the maximum building height changes 0.32m, from 9.01m to 8.69m. Original DA.11 maximum building height is 9.01m with NGL 45.40, but the amended maximum height becomes 8.69m with NGL 45.57. The applicant expanded the upstairs bedroom further east; therefore, the amended NGL should be lower than the original NGL, not higher. If this number can be chosen randomly on a DA, what is the real and accurate data?

Based on the above main errors found so far, reasonable doubt could be raised that:

**Does this DA contain other unreal and incorrect data?**

**Will construction of this proposed development follow council approved DA?**

Installation of height poles could help to eliminate such possibilities and facilitate development. We have consulted architects, surveyors and lawyers. These professionals have advised us that this request is common and reasonable and we can raise this issue to ombudsman.

2. According to *the Tenacity Planning Principle*, “Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.”

Amended DA has six non-compliances with planning controls:

(1) Non-compliant building height

In amended Appendix 1, there isn't any view loss issue mentioned and considered. The town planner expert may not have been engaged to address the issue of our property's devastating loss of view. Therefore, this analysis is incomplete and unacceptable for our view loss situation.

(2) Non-compliant access to sunlight: entry level dinning area and lounge

(3) Non-compliant landscape open space

(4) Non-compliant side boundary envelope

The applicant did not provide the side boundary building envelope on elevations. The amended development still sits outside of the side boundary envelope.

(5) Non-compliant front setback

(6) Non-compliant rear setback

Proposed structures (external kitchen wall/brick wall 1m off boundary and window bay) extrude to 6m rear setback area and there are no dimensions.

Therefore, in our view loss situation, these non-compliances are unacceptable.

3. According to *Tenacity Planning Principle*, “with a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.”

A more skillful design can be achieved by moving upper level master bedroom toward street facing wall zones and narrow the built form so that there is a more appropriate sharing of view. Excessive floor to floor heights between ground floor and first floor level can be reduced by a smarter design. A more skillful design can provide the applicant with the same development potential and amenity and reduce the impact on the views of our property.

Considering all the errors found thus far, we strongly request height poles to be installed. This will enable to find accurate form of development, enable clear identification of view loss and will also facilitate finding a solution that suits both parties. We hope to find a solution that is acceptable to both parties and we will continue to seek legal help.

We appreciate your attention to this matter and hope that a mutually beneficial solution can be

achieved.

Yours sincerely,

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