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**Sent:** 15/12/2021 4:07:17 PM  
**Subject:** DA2021/2239-255 Whale Beach Road Whale Beach - Objection attached  
**Attachments:** Solomon-Objection-DA2021-2239-255 Whale Beach Road Whale Beach-15.12.pdf;

Hello at Northern Beaches Council,

We attach an objection to the above development application. Acknowledgment of receipt will be appreciated.

Regards,

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## Colco Consulting Pty Ltd

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15 December 2021

By email to – Northern Beaches Council

The Chief Executive Officer  
Northern Beaches Council  
Administrative Centre  
Pittwater Road  
DEE WHY NSW 2099

Dear Sir,

**Re: DA No. 2021/2239 – Property No. 255 Whale Beach Road Whale Beach - Objection. Proposed Partial Demolition and Substantial Alterations and Additions to Dwelling including elevated and cantilevered Pool.**

### 1.0. Part 1 - Introduction

1.1. We act for our clients Bruce and Elliot Solomon, owners of the adjoining property to the south known as No. 253 Whale Beach Road and lodge this objection on their behalf. We have examined the DA Drawings, and other documents available on the council web site, and conclude there exist serious omissions, non-compliances and unacceptable environmental impacts on our client's property and their right to enjoy the amenity of their home and the locality environment.

We ask that council as the consent authority, duly consider each of the objections raised by our client in the above context and require significant modifications or refusal.

1.2. This objection as follows in in two (2) Parts:

- Part 2 – Overview and Objections
- Part 3 – DA Documentation - Inadequate and incomplete documentation – drawings, Statement of Environmental Effects.

### 2.0. PART 2 – OVERVIEW AND OBJECTIONS

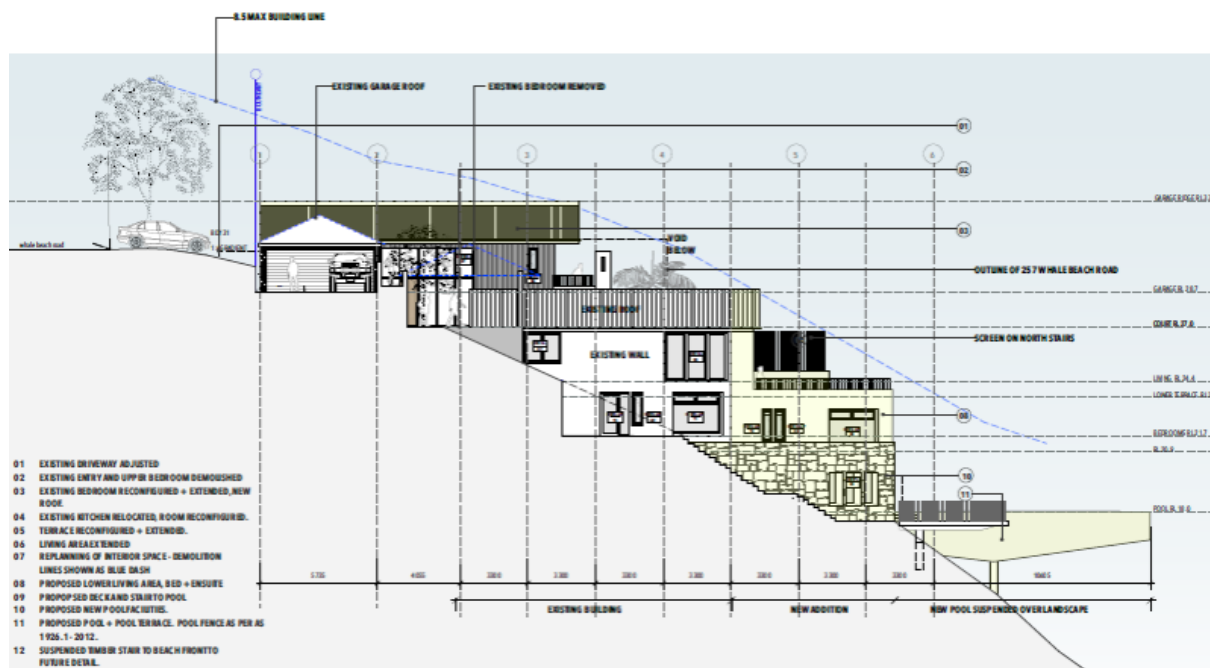
2.1. This development application proposes significant alterations and additions to the existing dwelling. Includes part demolition of existing structures, additions to the east especially along the southern elevation new outdoor terraces, new deck, new bedroom and living area, new gymnasium, study, and elevated and cantilevered swimming pool.

2.2. This objection relates to the negative impacts on our client's existing adjoining property to the south at No. 253 Whale Beach Road and also the proposed and imminent DA for that property which has been under consideration and review following the PRE DA application response from Northern Beaches Council in March 2020. This project has been delayed due to COVID 19 impacts and delays in obtaining consultant reports. Lodgement of the DA is imminent.

### 2.3. Our Critical Objections include:

1. View Impact and loss of views which will result if this development proceeds. There is no view impact sight lines on any drawings and no view impact assessment included in the Statement of Environmental Effects – and no inclusion of any reference to views. Our client's property will lose existing views to the north-east by the proposed additions on the southern elevation including bedroom addition and also, the cantilevered pool structure.
2. Loss of Privacy – the proposal has disregarded the critical planning controls and objectives for maintenance of visual and acoustic privacy. In particular, the proposed windows along the southern side of the proposal and location of open terraces will impact our client's privacy by looking directly into bedrooms and living areas, and onto our client's proposed pool and outdoor terrace areas.

Drawing extracts that demonstrate critical objections are shown below:



ELEVATED BEACHSIDE VIEW



The additions and pool indicated by blue arrows above will impact on views from No. 253 Whale Beach Road. Also, the southern elevation windows and location of open terraces will impact on privacy.

3. The 3D Perspective on the cover sheet is misleading and shown below – does not show the cantilevered pool, disguises the eastern elevation, and hides the impact by including non-existing trees.



4. Increased shadows and loss of northern sun to critical northern elevations to our client's home and property. The shadow diagrams (certified by the architect) are inadequate, incomplete, and misleading. No existing shadows are shown, and no elevation shadows shown. These are critical omissions. There will be increased shadows to our client's property.

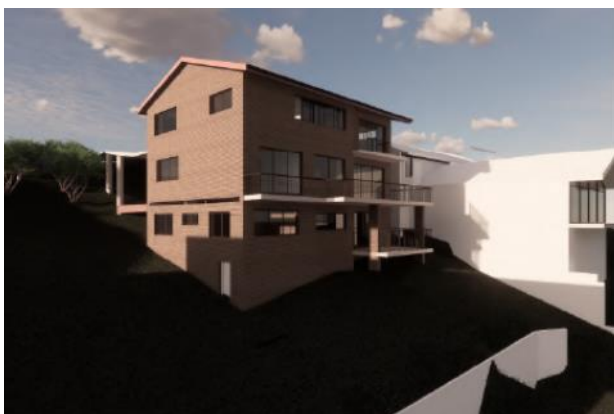
Privacy and amenity should be achieved by good design.

5. Foreshore Building Line and Planning Objectives. The proposed pool breaches the Foreshore Building Line, and although a pool at approximately ground level (existing) with some allowance for sloping sites is permissible, the heavily cantilevered structure fails to comply with the restriction on elevated structures within the FBL and creation of large open undercroft areas. The structure will be highly visible and in conflict with the PLEP and PDCP objectives for the built form character of the locality.

6. Ground levels (existing) – fictional. The ground levels shown on the drawings appear to be “fictional” and not based on detailed surveyed RLs. The PLEP requires that “ground levels (existing)” be shown on drawings based on the surveyed RLs of “Existing” levels – and not even the “Natural” ground levels. The ground levels shown appear to be incorrect and as a result it may be that the 8.5m height control is breached.
7. Maximum Height Control. It appears to us that the ground levels (existing) may be inaccurate and that the 8.5 metre height control may be breached. This is not properly reflected in the DA drawings. There is no clause 4.6 application to vary the control.
8. Building Envelope Control. There are Inadequate sections and building envelope diagrams across and down the proposed development. As such it is impossible to determine breaches in the building envelope control. We suspect there are breaches along the southern side which also contribute to increased loss of sun, privacy, and views.
9. Landscaping Inadequate and Inappropriate – especially considering the proposed increase (and unacceptable) built form, size, and scale. There is no detailed landscape plan submitted – a requirement for significant alterations and additions. The limited information submitted is inadequate and unacceptable. The lack of a detailed landscape plan, selection of native plants species,, quantities and planting location, is a serious omission and again raises concerns with the manner in which this proposal is designed and submitted.

Our client supports extensive planting of low growth native plants but will object to large trees that would block extensive coastal, land/water interface and headland views to the north. Privacy and amenity should be achieved by good design.

10. Imminent DA for our client’s property. Council will be aware from the council files that our client has been preparing an application for alterations and additions and that a Pre-DA application was submitted to council in March 2020. As a result of the council planner’s response, our client has undertaken a major review and reduced the extent of the proposed development. This DA has been delayed by the impact of COVID 19 and is now ready to be lodged but still a delay in obtaining a couple of consultant reports.  
Extracts below – existing and proposed:



Above – Perspective - No. 253 Existing looking north from the down slope and Proposed

## PART 3 - DA Documentation Deficiencies

1. The DA drawings are poorly documented and “disguise” critical compliance issues.
2. The Statement of Environmental Effects is inadequate and is not a detailed assessment of compliance with applicable planning controls and planning objectives. It is less a statement of planning principles and is more a description and a limited check list which is subjective and prepared to support the writers’ DA drawings. The matrix/table is incomplete, does not describe in adequate detail either the objectives and intent of the planning controls nor the environmental impacts.
3. DA 01 Survey lacks details relating adjoining sites, especially spot levels to and over our client’s property No. 253 Whale Beach Road.
4. DA 07 08 09 and 10 no setback lines, delineation of what is an addition or additional building mass is poorly documented, no dimensions on building grades or dimensions to the new additions.
5. DA 12, 13 no natural ground line shown, noncompliance with height plane not articulated, no dimensions to additional building mass, no RL’s to tops of walls
6. DA 14 15 no height plane or set back lines shown, no RLs to ridges or Top of walls, no articulation of what is existing vs that proposed.
7. DA 16 17 18 19 no required PLEP defined “Ground levels (existing)” shown, height plane non-compliances not delineated, no setback lines, no dimensions, no articulation of what is existing vs that proposed, foreshore building line not shown.
8. DA 20 this is not a landscape plan...no RLs no notes materials, no notes re plant list and species, no notes of what is new and what is to be kept
9. DA 21 22 this does not appear to be by a civil / hydraulic engineer?
10. DA 23 overshadowing diagram shows that our clients property receives no winter sun between 9am and 3pm...we need elevations studies and impacts on windows to make an assessment.
11. **Other Design Issues**
  - The extent of the two storey addition approx. 1400 to 1000 off the southern boundary for a length of 7900 will have significant impacts on northern light, loss of views to the northeast, and privacy due to the large eastern terrace.
  - New windows DW/LL-06, DW/LGF-11, DW/LGF 8 , 9 and 10 will all look over our client’s private open space and create privacy issues back into bedrooms and private living spaces. The windows have been poorly placed and have no consideration of our client’s property, they are predominantly full height and not screened – and will have an even greater impact on the DA ready to be lodged for alterations and additions to their existing home.
  - The massing along the southern boundary is haphazard and very much like a miss match of alterations and additions rather than a holistic house design – and will deprive our client’s property of essential norther sun and also, privacy – existing and proposed/imminent development application.



- The current massing to the southern elevation allows for solar access and view sharing, the location of existing windows and the boundary wall maintain visual privacy between properties. This will be lost with the undertaking of the proposed works.
- The cantilevered pool is an unnecessary addition that will be very prominent in the view back from the beach. The cover perspective conveniently covers the pool with palm trees

## CONCLUSION

1. The development proposal, design and DA documents do not objectively consider the specific site constraints, applicable planning controls, planning objectives, planning principles and DCP objectives – including negative impacts on our client's property to the south.

2. The proposal contains serious deficiencies and will result in significant and unacceptable impacts on our client's property. We are surprised that council accepted the application.

**3. We lodge this objection on behalf of our clients and request the application be refused or at least referred back to the applicant for a serious review and submission of significantly amended drawings and documents that address each of the issues and concerns raised in this objection.**

4. On behalf of our client's, we request the opportunity to address the Planning Panel when this application is submitted for determination.

Yours faithfully,



Wayne Collins  
Director

Qualification: We rely on the application documents available on the council web site, our interpretation thereof and information provided by our client. We are not lawyers, and we offer no legal advice. Our comments reflect our experience, our understanding of planning controls, processes and relevant court cases and judgements as we understand them. Others may hold a different opinion.