
From: Michael Bourke
Sent: 5/12/2023 9:30:59 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Objection to Application Number: DA2023/1395
Attachments: Application Number 2023 1395 Objection 5 Dec 23.pdf;

Hi Adam,

I hope you are well.

Please find attached my family's objection to Application Number: DA2023/1395.

Appreciate your due consideration.

Best,

Michael

Objection to Application Number: DA2023/1395

Dear Adam,

The purpose of this letter is to object against the proposed development **Application Number: DA2023/1395** at 1010-1014 Pittwater Road, Collaroy.

By way of introduction, my name is Michael Bourke and I live in the adjoining single-story cottage on the east side of the proposed development at 24 Ocean Grove, with my wife, Holly and [REDACTED], [REDACTED]

We have significant concerns about the potential negative impact on our family home and the privacy of our children playing in our own backyard by the proposed development in its current state. While we have only lived here for two short years, we have fallen in love with our humble home and the amazing community around us.

With this in mind and in reviewing the proposal, Holly and I have the following objections:

1. The visual impact of massing and overshadowing caused by the development and consequently lack of privacy for our family in our home and backyard:

The application in its entirety does not achieve a bulk and scale which “relates favourably in scale” to our home which is situated in the immediate adjoining lower density zone to the east. The bulk and scale overwhelm our home as well as our neighbours’ homes by virtue of the massing so close to the common boundary, overshadowing of our property and does not allow for an appropriate transition in scale. The application does not achieve the aims of Section 2F of the Apartment Design Guide (ADG). As outlined in Figure 1, the proposal does not take into consideration the 3m change in zone for the Ground Level (GL) setback adjoining our common boundary.

Eastern Elevation	
GL	Req = 4.5m to boundary +3m (change in zone) Provided = 6m setback to boundary with Cliff Rd & 24 Ocean Gr Non-compliance

Figure 1

In relation to the height of the development. The CI 4.6 argues that the proposed height is compatible with the height of the adjoining building at No 1000-1008 Pittwater Road. Yet the proposed development plans indicate a ridge height, 2.45m higher than No. 1000-1008 Pittwater Road.¹ Moreover, the development at No. 1000-1008 Pittwater Rd allows for larger setbacks or more of a stepped form to minimise massing. The proposed development allows for a massing far beyond that of No 1000- 1008 Pittwater Rd, as indicated in Figure 2. Accordingly, the proposed development is not a contextually responsive design, as they have indicated in C1.46 to justify the building height variation.

¹ The proposed development has a ridge height of RL27.459 in comparison to No. 1000-1008 Pittwater Roads maximum ridge height of RL25.009.

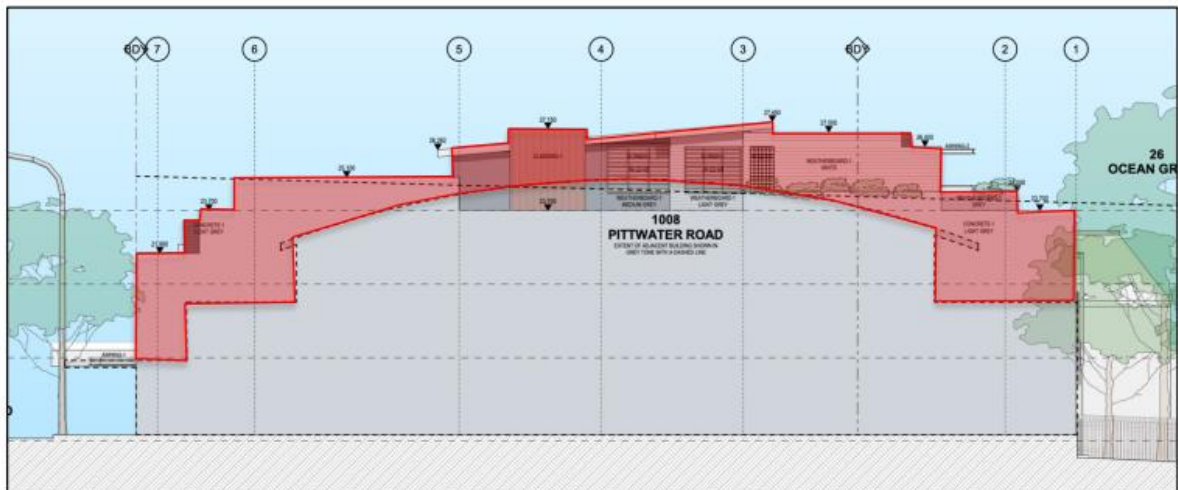


Figure 2: Additional massing beyond that of No. 1000-1008 Pittwater Rd shown hatched in red

The controls require a maximum of 3 storeys within the 11m height control, with the 3rd storey / top floor substantially reduced in order to reduce visual bulk. The proposal is contrary to this requirement adding an additional level, located within the centre of the site as outlined in Figure 3, with the proposed 3rd storey occupying the entire footprint. Although the 4th storey is setback substantially from Pittwater Road the transition in scale to the adjacent residential development within Cliff Road and our property is inadequate.

This design will materially impact our family's ability to enjoy our own backyard due to the overshadowing and visual bulk. The proposed development fails to be consistent with the established scale and pattern of development along the East side of Pittwater Road. Additionally, the 4th storey fails to increase amenity of the building.

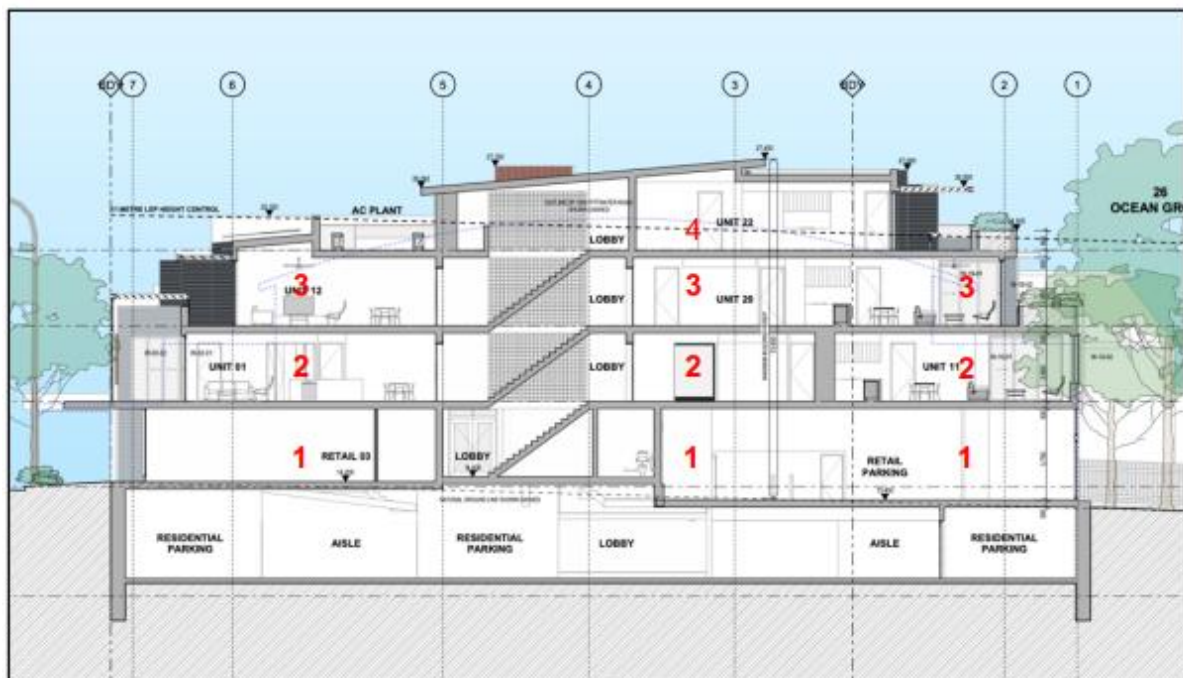


Figure 3: Extract from Architectural plans Section A

Notwithstanding the numerical control, the proposed development is considered not to satisfy the objective of the control in that it:

- will be visually dominate to its surrounds;
- does not minimise visual impact when viewed from adjoining properties and streets;
- does not ensure a reasonable level of amenity to adjoining properties; and
- is inconsistent with established character and is incompatible with the height of buildings control as established in the LEP.

Holly and I have strong issue with the privacy impact, as a result of the top storey (Level 3), which does not comply with the 11m height requirements/guidelines/provisions. A simple line drawing (please refer to Figure 4) demonstrates the impact of the non-compliant aspects of the plan that lead to additional massing and overshadowing to our single level home at 24 Ocean Grove that would not be reasonably anticipated with a compliant development.

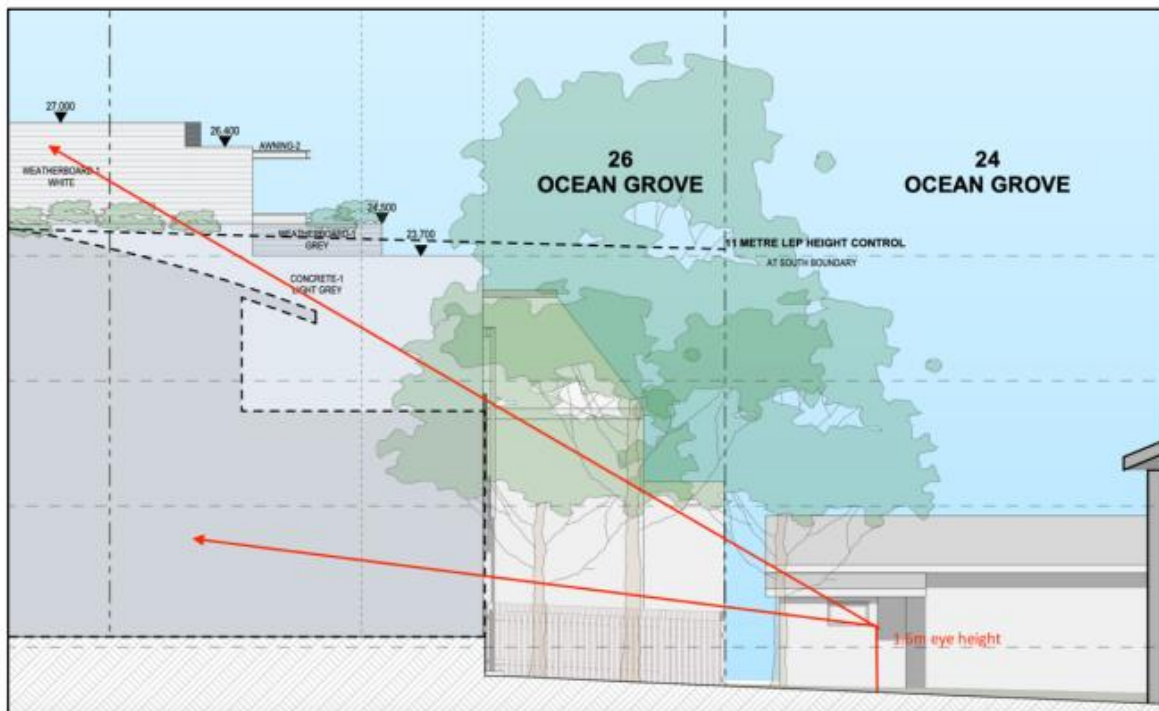


Figure 4: Visible Massing

The application seeks an additional yield beyond what the built forms control anticipate and is contrary to a good environmental outcome. Furthermore, having regard for the amenity concerns and the application's inability to satisfy the ADG the additional height offers no benefit.

The applicant's variation is not well founded pursuant to Cl4.6(3)(a) and the written request has not adequately demonstrated that there are sufficient planning grounds to justify the variation pursuant to Cl4.6(3)(b).

These non-compliant elements of the proposal will encroach on our family's privacy. Our small children love playing in our backyard and we fear that this would sadly not continue to be the case if the current proposal is allowed to go ahead.

2. Insufficient information with regards to stormwater and need for easement:

We have not provided consent for the stormwater drainage on our adjoining land. We also feel that it is inappropriate to have the stormwater easement as a deferred commencement condition and that the council should insist that the full stormwater scheme is prepared and the easement obtained before a DA is granted.

The proposal seeks to gravity drain stormwater through our property at 24 Ocean Grove to the Ocean Grove Council stormwater system. Whilst the conceptual stormwater easement pipeline layout plan prepared by iStruct Consulting Engineers demonstrates that the development can be gravity drained to the Council stormwater system, there is no detailed documentation lodged with the development application that outlines the specifics required.

Our understanding is that our property is the only possible site the stormwater drain can be installed. We also understand that typically Council drainage easements are 3m wide, depending on the pipe diameter (see Figure 5) and we are very concerned how this will impact our:

- Ability to enjoy the full area of our property.
- Home and land resale value.
- Ability to build / renovate in the future to accommodate our growing family's needs.
- Stability of our home, as it is over 80 years old.

We are particularly concerned as there is less than 1m width between the side of our home (including our power / water / sewerage / gas services) and our neighbouring boundary fence / wall of 26 Ocean Grove. Likewise, there is less than 0.5m distance between our garage and the boundary fences at the back of our property. This is significantly less than the 3m requirement and so we are fearful of how this would impact our existing home.

For open stormwater systems, Council may at its discretion require the easement to be supported by a "Restriction on the use of land" to ensure structures are not constructed or the levels altered within the easement.

Table 6 - Easement Widths

Pipe Diameter / Box Culvert width / Open channel width (Diameter) (mm)	Minimum Width of Easement to Drain Water (m)
Diameter less than or equal to 675	3.0
675 < Diameter less than or equal to 900	3.0
900 < Diameter less than or equal to 1200	3.5
1200 < Diameter less than or equal to 1500	4.0
1500 < Diameter less than or equal to 1800	4.5
Diameter > 1800 and box culverts	As required by Council
Natural Watercourse or overland flowpath	As required by Council

Figure 5 – Council Easement Requirements

Lastly, Holly and I have concerns that the proposed easement works will directly impact the beautiful Norfolk pine tree, which is an important consideration given the tree's significant age. We have also noted that the Arborist report and survey plan are inconsistent with regards to the height; spread and diameter of the Norfolk pine and the Arborist report does not include any consideration for stormwater drainage works in the tree protection zone.

In closing, the proposal does not address the following short comings:

- Failure to allow for appropriate transition in scale to R2 Low density residential development on the rear boundary setback;
- Non-compliance with number of storeys pursuant to Clause B2 of the DCP;
- Non-compliance with building height and failure to demonstrate that the non-compliance is well founded pursuant to Cl4.6(3)(a) and the written request has not adequately demonstrated that there are sufficient planning grounds to justify the variation pursuant to Cl4.6(3)(b).
- Inconsistent bulk and scale with adjoining developments pursuant to D9 of the DCP;
- Insufficient detail to determine amenity impact by way of overshadowing to adjoining spaces pursuant to D5 of the DCP
- Failure to allow for a compatible development with established and desired future character pursuant to F1 of DCP
- Failure to satisfy SEPP 65 design principles and design criteria of the ADG as well as failure to submit a design verification statement addressing the design principles;
- No documentation lodged with the development application and no consent provided for the stormwater drainage on our adjoining land.
- Encroachment into SRZ and TPZ of T12 and failure to preserve trees pursuant to E1 of the DCP;
- Inconsistencies on plans and supporting documentation.

Thank you for taking the time to read our submission. My family and I appreciate your consideration of our objections to Application Number: DA2023/1395.

Your Sincerely,

Michael Bourke

[Redacted Signature]