
From: DYPXCPWEB@northernbeaches.nsw.gov.au
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MR Mark Powl
Unit 14 - 605-611 Pittwater Road ST
Dee Why NSW 2099
[REDACTED]

RE: Mod2024/0048 - 615 Pittwater Road DEE WHY NSW 2099

10 March 2024

Mr Mark Powl

RE: Application Number: Mod2024/0048 - 615 Pittwater Road DEE WHY NSW 2099

Dear Anne-Marie Young,

We are writing again to express our very grave concerns in connection with the amended development plans outlined in Mod2024/0048.

We now summarize our key objections on this submission to the Northern Beaches Council and the Land and Environment Court.

Introduction: the local community immediately surrounding the proposed Mod2024/0048

We moved into townhouse in 2018 and our purchase was governed entirely by a desire to have a family home on the Northern Beaches with lots of natural light and room for us and our 2 young children.

In purchasing our townhouse we have good faith in the planning system, with regard to any proposed development on the 613 Pittwater Road site - good faith especially that the planning system would keep the adjoining site within character, scale and amenity of a one to two storey R2 residential area.

Given the townhouses on the southern boundary of this site are entry level housing for the northern beaches full of young families and given the otherwise high property prices in the local area, ours and the surrounding townhouse's have attracted a lot of young families (two adults with young children under 5), thus producing a young family setting around Moorila Street and May Road, Dee Why. This is good for the community.

If the proposed development is approved it will seriously damage the quality of our family life and the lives of the many young families and children who reside in our townhouse complex immediately south of the proposed development.

If approved, the development will have deleterious impact on the quality of life for many other

residents in the immediate surrounds on May Road (who are more established families with older kids) because boarding house occupiers (with balconies, viewing windows and open communal spaces) will peer straight into their private backyard space, private backyard pools, observe children playing, watching people in their private bathing areas and swimming pools - just metres away.

People can't live like this - this development modification must not go any further.

Part 1:

Key reasons to reject the amended plan

Key Reason 1: The amended DA has significantly increased the size of the previously disputed plans and completely ignores all previous submissions and concerns from the local community and Northern Beaches Council ('Council').

The previous developer lodged similar over-scale and overly bulky plans some 5 years ago and it was rejected by Council and by the Land and Environment Court - this increase in scale should now be rejected yet again by the same two planning authorities for this development modification by the new developer.

The proposal is significantly at odds with the established local pattern, does not provide for a suitable and appropriate response to the existing size, scale, setbacks, street level treatment and streetscape of the surrounding area, and does not allow for adequate separation between the proposed buildings internally and with adjacent buildings. I note that Council are unsupportive of this development modification and I commend the Council for stating this as fact and protecting local communities in their submission.

The proposal also fails to properly recognize and respond to the challenges presented by the site, resulting in an out-of-context, unsuitable, incompatible and over-development, which severely impacts on the amenity of adjoining neighbours.

A close examination of the amended plans reveals the above conclusion and reasons for refusal have not been overcome. The bulk, size, scale, privacy issues, amenity destruction, lack of building fitting into the local character of the area are all still live issues - this has been exacerbated even more with the latest plans increasing the size of the buildings.

I see this as a cynical attempt by the new developer to comply with its regulatory obligations in the hope it can squeeze as many apartments in as possible from the previous plans from the previous developer.

In terms of the bulk, size, scale and height of apartments as well as the landscaping, they do not eradicate the concerns of community and Council. The amended plans should go no further.

Therefore, this amended DA should be rejected by the Land and Environment court, consistent with the original determination of the Northern Beaches Council.

Key Reason 2: Not in character with immediate area - the local community does not expect a building of this scale/size to be on this site as a low density residential area.

This amended DA proposes a type of dwelling which is completely out of character with the

surrounding residences and totally out of character with the area where we live.

It is an undeniable fact that the proposed amended development is grossly out-of-proportion with all other residential dwellings in the immediate vicinity for the following reasons:

- The building blocks are taller, wider, bigger, bulkier than any other building in the immediate area, including the entire May Road / Moorilla Street block.
- The building blocks are taller than the townhouses immediately to the south, even though the townhouses are on higher ground and elevation to start with - this makes no sense, displays total disregard to the undulating slope as it moves downwards from south to north. This will make the blocks stick out like eye-sores.
- Each building block is almost three times the bulk size (length, width etc) as the adjoining townhouses to the south and almost twice the size of the adjoining residual one storey homes to the north. It is totally unacceptable for buildings of this scale, size and bulk to be sandwiched within a narrow 15m wide area in the middle of 1 story and 2 storey homes.
- It is totally unacceptable that the developer considers the building of such a boarding house facilitating up to 180/200 residents is "Low Residential".
- This DA is a high residential development and belongs in a high residential area R3 like in Dee Why town centre. The current May Street / Moorilla Street precinct is within R2 area zoned for low residential development - not for high density properties.
- The vast majority of the May Street / Moorilla Street precinct local area is owner occupied 1 to 2 storey homes with families. By adding up to 180/200 odd short term occupants who stay at the boarding house for up to 90/120 days or so smack bang in the middle of family homes is completely out of character with the local community and the people who live there.
- A bulky boarding house simply doesn't fit into this long, narrow undulating site. The previous (now demolished) house on the 613 Pittwater Road faced east to west (not north/south) because the original planning controls when this house was built presumably stipulated that a building would not face north as it would over-look and peer into May Road residences. The same principle applies now - the site is too narrow to face a building north/south position. Any future development must take this into consideration.
- Excessive bulk/scale has no respect for the surrounding streetscape.
- Bulk is clearly due to the vast amount of boarding rooms for this small and narrow site - its' excessive - no elements on this amended plan fit in the immediate surrounding area, so it is clearly the wrong type of development.

Key Reason 3: No appropriate landscaping, distance or 'setbacks' from the immediate neighbours to the south and north

General planning rules state that a 40% landscape and 60% building mix must be achieved to planning control therefore giving 'enough space' between the blocks and neighbouring properties giving a sense of improved amenity.

This 60/40 guideline has been completely ignored by the new developer. We strongly disagree with this for the following reasons:

- We do not consider driveways, pedestrian paths, decking, park bench style seating, footpaths, hard paved areas, pot plants, air conditioning unit stacks in general are as part of the 40% landscaped area. It seems the plans included this as 'landscaping' and are designed to convince of the reader of the plans as a 'natural set-back' or barrier enhancing character. This is deceptive and inaccurate.
- There are still no genuine open and no real outdoor spaces between existing homes to the north and south of this development. Such space as there is, being so narrow with a bare minimum legal buffer of 3m. This prevents any real opportunity for there to be a true and realistic natural buffer here, given that absolute bare minimum control of 3m is being exercised.
- At just a couple of metres wide the buffer provides little or no cover or natural screen compared to the sheer bulk, scale, height and length of the proposed building itself.

Key Reason 4: Destruction of privacy for the immediate neighbours

The shape of this site is narrowing, steep and is between townhousing immediately to the south and one storey established homes to the immediate north - this provides significant constraints to a developer for apartments/boarding houses and creates very important privacy concerns.

The blocks are too close to the southern boundary and are simply too tall !! Thus, all outdoor, courtyard and backyard areas at the rear of the townhouses will be significantly shaded for the vast majority of the day whereas at the present time sunlight reception is full for the full day.

Townhouses to the south have courtyards or backyards which are small, these are fine for young families, small children/infants to play in and for adults to socialize in the open air - we currently enjoy this openness, access to blue sky and well-being. All of these courtyards are adequately landscaped and have native fauna and medium sized scrubs, trees. This will be destroyed with the proposed amended DA and all sense of privacy eradicated.

There are key reasons why the immediate neighbours privacy is seriously invaded to levels that are unacceptable:

- All boarding house rooms will have bathroom windows and 'communal spaces' - these windows and communal spaces directly look into the courtyards, rear backyards of the townhouses, overlooking children playing and residents socializing and enjoying the amenity of their backyard which as you know is a significant part of the Australian way of life. The developer cannot destroy this!
- The viewpoint to the north from the 'communal spaces', viewing windows and blocks in general clearly peers straight into kitchens, outdoor decking/social area, indoor living areas and bathrooms just metres away, but also the children's play area, trampolines, bathing areas and swimming pool just meters away. This is a gross invasion of privacy i.e. people/neighbours in their swimmers/bathing attire in their own backyard in summer just meters away. Totally unacceptable.

- Views from the 'communal open spaces' will look directly into master bedrooms and bathroom ensuites of the townhouses. Totally unacceptable.

- There are close views within 9m/12m away from upstairs master bedrooms of the townhouses directly into the bathroom windows of the blocks. From the master bedrooms of our townhouses we will be peering directly into people's frosted windows on their bathrooms in the boarding house. We do not want to look at a 7m to 8m high brick wall with frosted windows for bathrooms and people showering thank you very much from my bedroom window. This is another gross invasion of privacy.

Key Reason 5: Total destruction of amenity / access to natural light for immediate neighbours

The building creates shadow issues for immediate neighbours, severe reduction in natural light and destruction of outdoor settings. Here are the reasons why:

- There are significant and detrimental increases in over-shadowing as per amended plans with townhouses as per modelled in the modification plans. Townhouses 8,9,10,11,12,13,14, 17 and 18 will be the most effected with entire backyards in shadow during winter midday sun and for the winter months. Totally unacceptable.

- There is a general rule of 50% of private areas of neighbours having a minimum 3 hours from 9am to 3pm. The shading model indicates that majority townhouses experience full shadowing. This brings people's backyards in close resemblance to a prison yard environment. This is reason to refuse the amended plans alone.

- Most if not all townhouses have views across boundaries to dee why and long reef headland. This development will considerably restrict these views. Considering the upper floors or main bedroom views from the townhouses will have a dominant and majority view of the length and bulk of a 7m to 8m high brickwall and frosted bathroom windows. The blocks simply dominant these views (whatever is left), so unacceptable.

- The shading diagram with specific regard to our townhouse (number 14) indicates an almost 4m to 5m increased shadow in winter sun, completely covering our courtyard, with just enough sun on our man-made deck (around 1m) and none on our lawn or entire back courtyard. This is total destruction of our amenity. It is totally unacceptable.

Key Reason 6: Noise pollution - Higher occupancy to the surrounding dwellings

With the potential of the boarding house housing 180/200 residents it must be taken for granted that this will create dreadful noise pollution.

Key Reason 7: Increased traffic and waste servicing issues of the boarding house

The proposed development envisages entry to the boarding house via Moorila Lane. As things stand, Moorila Lane is already a narrow two-way lane where traffic and pedestrian safety are already a problem.

With tens more motor vehicles from this boarding house, Moorila Lane simply cannot support such a significant potential increase in traffic is to invite danger.

With respect, the Council and Court must give specific considerations around traffic and waste servicing issues:

- The garbage trucks now have to park in a single Moorilla lane (blocking entry for residents who live further up Moorilla lane, including the townhouses). The garbage truck will then block all residential traffic for 10 to 20 minutes whilst the garbage men go inside the unit to collect all the garbage, bring the garbage out and place into the truck in the lane. This will be a total nuisance and unacceptable to local residents who will have to sit their cars whilst the garbage truck sits in a single lane road for 15/20 minutes whilst this happens week in and week out.
- Removalist vans are going to be a serious problem for this boarding house. If residents of the boarding house are moving in and out every 90/120 days or so, they are going to park their removalist vans/trucks in the single lane blocking traffic consistently and regularly in the Moorilla lane. As the plans stand - medium sized van/truck cannot fit into the underground car park and will just be parked in the lane. Given the transient nature of the proposed occupants this will happen too frequently and will block access to Moorilla Lane.

Part 2:

Rejection / refusal of the amended plans by the Land and Environment Court and Northern Beaches Council

The future character and current build form character is for low density residential for this site.

The DA modification fails to state anywhere in its amended submission that it complies with all rules and controls, including guidelines around maintaining local character, privacy and amenity. This is such a clear omission for us and the local community. It is critical that this is not stated anywhere and totally lacking in precision and duty of care. As we see it the developer and architect are less than 100% certain that the all rules and controls in this amended application are compliant with local zoning laws, regulations and guidelines. Where is the evidence the architects and proposed development have any proper due diligence which would assist the court in its deliberation and would ensure a just outcome?

As per the local community wishes, local social media community groups, the immediate neighbours on May Road and the community of people who live in the townhouses at 605 -611 Pittwater Road, plus the considered opinion and previous decisions by the Northern Beaches council - this amended plan is to be refused and rejected by the Land and Environment court.

For the reasons outlined in this submission - this proposed development should go no further and should be rejected out right.

Yours truly,

Mark and Kate Powl