

WRITTEN SUBMISSIONS TO NORTHERN BEACHES LPP

MEETING FOR 18 NOVEMBER 2020

DA 2020/0431

1129-1131 PITTWATER ROAD COLLAROY

**PROPOSED MIXED USE DEVELOPMENT COMPRISING OFFICES
AND A BOARDING HOUSE WITH CARETAKERS FLAT**

- Firstly our clients appreciate that amendments have been made to the scheme as regards view corridors and including limitations as to the height of planting (this should be 1.8m rather than 3m – see Condition 12). I am sure the panel will agree that for our client Mr Lydiate and the other residents of 1125 Pittwater Road generally, there will be a significant change in access to light, aspect and view to the north east. If the panel is minded to grant consent to the application, surely it is possible to further improve view corridors for these neighbours, by extending the caretakers flat slightly further east and say 3m west and also *narrowing* its width. This would improve the view corridors for both the occupants of 1125 Pittwater Road and 1-5 Collaroy Street and at the same time provide a similar level of floorspace for the caretaker flat. Mr Lydiate has provided his own submission and attests to the serious impact to view corridors created by the proposal in the context of a non-compliance with the relevant height control (2.2m or 20%) and generating the need for the panel to support a clause 4.6 variation request under WLEP. In my view not enough consideration has been given to this impact. Note also that the development is non-compliant with the storeys control B2 under the WDCP with permitted storeys 3 and proposed 4. Given that greater weight should be given to view loss in circumstances where there are departures from controls, my view is that the caretakers flat should be further amended so that views are better preserved for both adjacent developments. This can be done without loss of floorspace or views for the caretaker apartment.
- The void light well on the southern side will improve the amenity outcome for occupants of 1125.
- We have concerns about the lack of activation for the street front, given that offices only are proposed as regards the ground

floor street facing facade. In usual circumstances this would be a great location for a café or restaurant.

- One of our main issues with this scheme is work being carried out on the ROW in the absence of agreement with the owners of the land over which the ROW is placed. It is an agreed fact that the DA does not involve the ROW as part of the site over which the application relates, and yet it is puzzling as to how this will work in the context of conditions imposed relating to work in the ROW (which conditions of course, can lawfully be imposed) and possible non-agreement of the land owners in respect of those conditions. The work in the ROW involves widening and signalization. All of this has to be considered in the context of the intensification of use of the ROW and the consequent safety issues. I also doubt whether a deferred commencement condition will of itself resolve the access/traffic concerns the officers have.

- I make the comment that arising from the meeting between the applicant and officers on 16 September that it is doubtful that agreement on a further ROW would occur, allowing service vehicles to enter through 1125 Pittwater Road to access 1129.

Pierre Le Bas
Director and Legal Counsel
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17 November 2020