
Sent: 28/01/2020 10:41:29 AM
Subject: Submission DA2019/1522 - 41-43 Beach Rd, Collaroy
Attachments: SUBMISSION DA2019-1522,41-43 Beach Road Collaroy.pdf;

To the General Manager

Please find submission relating to development application DA2019/1522 attached.

Regards

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28 January 2020

The General Manager
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099

Dear Sir

Letter of objection to DA 2029/1522 for the demolition of two existing dwellings, the amalgamation of two lots into one, construction of a dwelling house with basement, swimming pool and landscaping at 41-43 Beach Rd, Collaroy.

I refer to the above Development Application (DA) for 41-43 Beach Rd, Collaroy (the subject site). We act on behalf of the owners of 29 Beach Rd, the adjoining property to the south.

I have inspected the subject site from the street, the public reserve to the east and from 29 Beach Rd. I have also examined the relevant documents, plans and reports including the Statement of Environmental Effects (SEE) prepared in support of the DA.

In summary, we object to the proposed development for the following reasons:

- Excessive bulk and scale
- Non-compliance with rear setback control
- Unacceptable amenity impacts to 29 Beach Rd as follows:
 - visual dominance
 - overshadowing
 - privacy loss

In summary, the proposed building bulk has been inappropriately located, resulting in amenity impacts on our client's property to the south. These impacts will be discussed in further detail below.

1.0 Our clients' property

Key aspects of our clients' property as they relate to their concerns are noted as follows and depicted in the figures below.

No 29 Beach Rd is a two-storey weatherboard dwelling house with a swimming pool, located to the south of the subject site. It has a narrow street frontage to Beach Road (for vehicular access) and a northern boundary (approximately 30m) adjacent to the subject site, as shown in Figure 1 below. The dwelling is orientated toward the ocean to the east with frontage to the adjoining public reserve.



Figure 1: The subject site is shown shaded yellow with 29 Beach Rd shown with a red star (source: SIX maps)

As shown in Figure 2 and 3, the swimming pool and private open space area for 29 Beach Rd are located to the west / north-west of the main dwelling house.

As shown in Figure 4, the area to the rear (east) of the dwelling is highly visible from the adjoining public reserve with limited privacy.



Figure 2. Private open space area of 29 Beach Rd, looking south



Figure 3. The outlook from the rear open space of 29 Beach Rd, looking toward the subject site



Figure 4. 29 Beach Rd shown to the left with the public reserve in the foreground and to the right

2.0 Excessive bulk and scale

The bulk and scale of the proposed development in the south-eastern corner of the subject site results in unreasonable amenity impacts on our client's property.

In this location, the proposal extends beyond the rear building line of 29 Beach Rd and the basement level protrudes above ground level. Given the level differences between the two sites, the proposed built form is visually imposing to both the open space of 29 Beach Rd and the public reserve. The additional bulk alongside the southern boundary results in unreasonable impacts on 29 Beach Road in terms of overlooking, overshadowing and visual dominance.

The privacy screen on the southern edge of the proposed balcony and the angled high roof above, add further, unnecessary bulk (noting the balcony roof is over 4m above the balcony floor level).

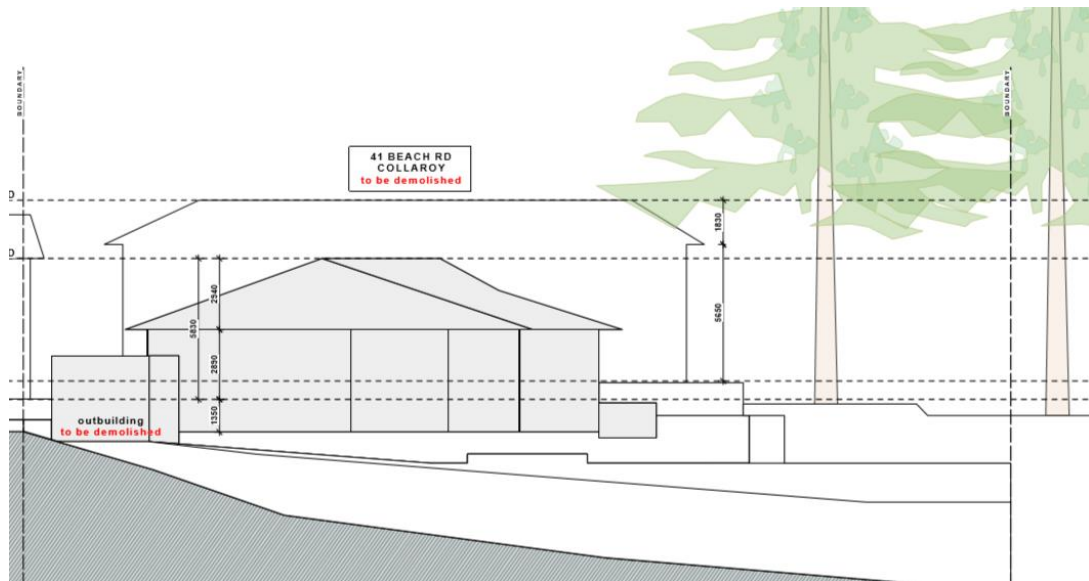


Figure 5 – Existing southern elevation of 41 Beach Rd (Source: Virginia Kerridge)

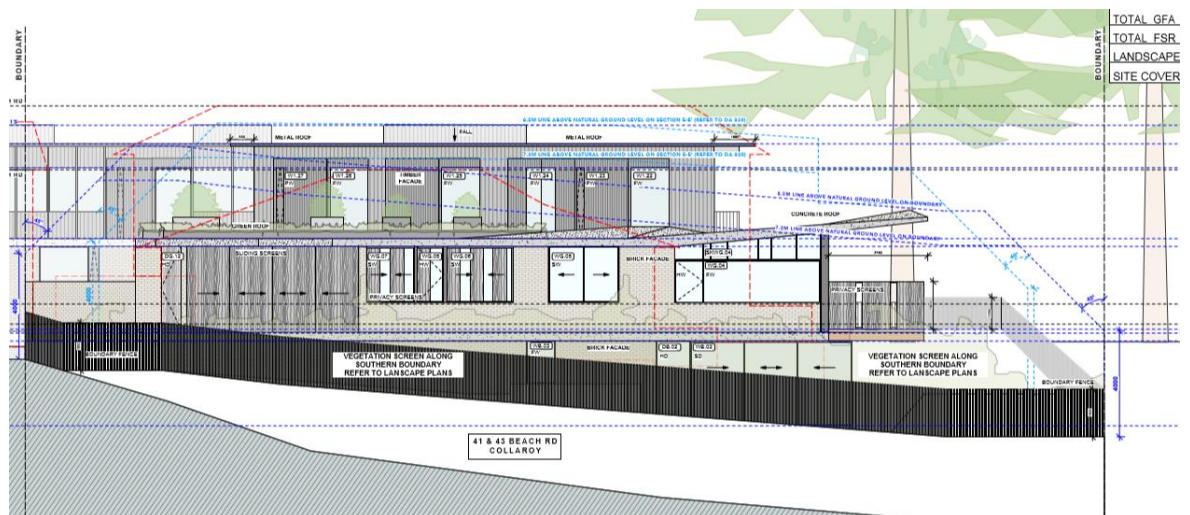


Figure 6 – Proposed southern elevation (Source: Virginia Kerridge)

A comparison of Figures 5 (existing) and 6 (proposed) demonstrates the increase in the building bulk along the southern elevation, facing 29 Beach Road.

The proposal is inconsistent with Built Form Control D9 Building Bulk. The proposal does not satisfy the following objective for building bulk:

- *To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.*

The proposal does not minimise the visual impact of the development when viewed from 29 Beach Rd or the adjoining public reserve. The subject site is steeply sloping to the south with a significant drop in levels (over 4m) with 29 Beach Road. The proposal does not respect this level difference with the basement protruding above ground level and significant building bulk concentrated in the south-eastern corner of the site.

3.0 Non-complying rear setback

The proposal does not comply with the rear building setback.

Built Form Control B9 of WDCP requires compliance with a rear building setback of 6m. The proposed elevated rear balcony is setback 2.72m – 5.5m from the rear (eastern) boundary, representing a 54.6% variation to this control. This balcony is elevated (RL 12), 2.5m above the existing pool level (RL 9.5) and approximately 8m above the ground level of 29 Beach Rd.

The elevated nature of the balcony and its excessively high roof above, will result in unacceptable visual bulk impacts on both 29 Beach Rd and the adjoining public reserve.

Given that the proposed balcony leads directly off the kitchen and living areas of the proposed dwelling, it is expected to be a high use area. The balcony is located close to the indoor/outdoor living areas of 29 Beach Rd and therefore will result in unreasonable acoustic and visual privacy impacts on 29 Beach Rd.



Figure 7. View looking north from the rear (eastern) open space area of 29 Beach Rd

The proposed balcony will be located approximately 1.5m above the glass pool fence shown in the centre of Figure 7 above. The height, bulk and non-compliance with the rear setback results in visual dominance of the indoor/outdoor living areas of 29 Beach Rd.

The breach of the rear building setback leads to non-compliance with the following objectives:

- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

Given the sensitive location of the site adjoining the coastal reserve, the objective of maintaining a sense of openness is extremely important. As well as being too close the public reserve, the elevated nature of the encroaching balcony worsens its impact. There has been no adequate justification provided for the breach in the rear setback. It is requested that Council require compliance with this control.

4.0 Unreasonable overshadowing

The proposal will result in unreasonable overshadowing of the private open space, swimming pool and solar panels of 29 Beach Rd, as outlined below.

- **Private open space**

Built Form Control D6 of WDCP requires at least 50% of the area of private open space of each dwelling and at least 50% of the area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9 am and 3 pm on June 21.

The proposal does not satisfy the numerical requirements of this control. The proposal will result in significant additional overshadowing to the private open space of 29 Beach Rd. The shadow diagrams indicate the following impacts on 29 Beach Rd, on 21 June;

- 9am: Additional overshadowing of pool and adjoining POS so that the pool is completely overshadowed at this time (whereas it currently 25% of the pool receives access to sunlight at this time).
- 12 noon: Further additional overshadowing to the swimming pool so that approximately 75% of the pool is in shadow at this time (compared to only 25% currently)
- 3pm: No access to sunlight (no change).

Therefore, the proposal will result in nearly a complete loss of sunlight to the swimming pool in midwinter as well as significant, additional overshadowing of the north-western private open space area.

- **North-facing windows**

The elevational shadow diagrams show additional overshadowing to the north-facing windows of 29 Beach Road. The most significant change is at midday where the proposal will result in complete shadowing of all windows and the east facing balcony. As a result of the proposal, only the two eastern most

windows will receive partial solar access at 9am. At all other times, the northern windows of 29 Beach Rd will be overshadowed.

- **Solar panels**

As shown in the Figure 8 below, 29 Beach Rd has numerous solar panels on its roof. The proposal will result in additional overshadowing to these panels.



Figure 8. View looking south-west from reserve showing solar panels on the roof of 29 Beach Road

The objectives for the D6 Access to Sunlight control have not been satisfied in that the proposal:

- fails to ensure that reasonable access to sunlight is maintained to the private open space and north-facing windows; and
- hinders the use of solar energy for 29 Beach Road.

Overall, the siting, bulk and scale of the proposal will result in unacceptable, overshadowing of 29 Beach Road. This overshadowing could be reduced to an acceptable level with a more considered location of building bulk, including compliance with the rear setback control.

5.0 Privacy

The proposed development contains numerous windows and an elevated balcony along its southern elevation resulting in unreasonable privacy impacts on 29 Beach Rd.

The proposal is inconsistent with the following objective for Built Form Control D8 Privacy:

- *To ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.*

The rear balcony has not been located to avoid overlooking of 29 Beach Road. The proposed privacy screen is not an acceptable solution as it contributes to excessive building bulk.

6.0 Conclusion

For reasons outlined in this submission, the proposed development at 41-43 Beach Rd will have unreasonable impacts on our client's property. The residents of 29 Beach Rd will be unreasonably impacted by way of visual bulk, overshadowing and loss of privacy. The proposed development fails to comply with several of Council's development controls and these non-compliances should not be supported given the resulting detrimental amenity impacts.

It is respectfully requested that the proposal be amended to comply with the rear boundary setback control and that the bulk of the ground floor be redistributed to reduce amenity impacts to 29 Beach Road.

Yours faithfully

Boston Blyth Fleming Pty Limited



Greg Boston

B Urb & Reg Plan (UNE) MPIA

B Env Hlth (UWS)

Director