
Sent: 9/05/2020 6:07:34 PM

Subject: 41-43 Beach Road Collaroy NSW 2097 DA 2019/1522 WRITTEN
SUBMISSION: LETTER OF OBJECTION Submission #2: Dorsen

Attachments: Mrs Jan Dorsen WS 100520.docx;

**Mrs Jan Dorsen
35 Beach Road
Collaroy
NSW 2097**

9 May 2020

**Chief Executive Officer
Northern Beaches Council
725 Pittwater Road
Dee Why NSW 2099**

Northern Beaches Council
council@northernbeaches.nsw.gov.au

Dear Chief Executive Officer,

**Re: 41-43 Beach Road Collaroy NSW 2097
DA 2019/1522**

WRITTEN SUBMISSION: LETTER OF OBJECTION
Submission #2: Dorsen

This document is a submission by way of further objection to DA 2019/1522 lodged under Section 4.15 of the EPAA 1979 [the EPA Act].

I refer Council to my initial Written Submission dated 28 January 2020. The Written Submission is still current, and this Submission adds further to that original Submission

The Applicant has recently erected Height Poles on the subject site.

This Submission addresses the ongoing concerns to the overdevelopment as identified by the height poles erected.

I ask Council to post on NBC website, the Applicant's Registered Surveyors Plan identifying the precise location of each height pole in height and dimension against the submitted DA Drawings.

I had requested that the Applicant provide Height Poles to fully define at the non-compliant southern wing. This has not been fully completed:

- The Roof Forms over the First Floor, clearly locating the four corners of the eaves at RL 19.0, and the pop-up roof at RL 19.7, rising over 15m from the SE corner of the site.
- The Roof Forms over the Ground Floor, clearly locating the south-east corner, and all roof levels as they alter along the southern boundary, leading through to the south west corner of the subject site.
- The Roof Forms over the Ground Floor facing the eastern reserve.
- The proposed fence at 5.2m high at the southern boundary at the southeast corner, and along the southern boundary

I remain very concerned that the Applicant still has not submitted a Clause 4.6 Application [Request to Vary a Development Standard] to address the non-compliance to maximum building height to the south-east corner of the proposed development. The Height of Building exceeds the control by over 11%, as clearly identified in my January Submission.

As a Clause 4.6 Application [Request to Vary a Development Standard] has not been submitted, Council may need to reject the Development Application as being beyond power on grounds that Council, as Consent Authority, has not been provided with sufficient probative material to form a proper basis for lawful action.

I am very concerned that the false and misleading information regarding the existing ground levels along the southern boundary at levels shown on the Applicant's Registered Surveyors Survey at RL 4.24, RL 5.64, and RL 7.40 has not been corrected, with the massing envelope being hopelessly false and misleading.

I am very concerned that the Applicant has not completed a survey of my property to assess solar loss.

I am concerned that the excavation plans have not been corrected, particularly the common boundary to my property.

I am concerned that dimensions have not been adequately recorded on the DA drawings to define the proposed building envelope.

I am concerned that no impact assessment has been carried out on the effect of the proposed 4.5m deep basement to the Norfolk Pines.

The height poles clearly identify the overdevelopment of the proposed development particularly to the Southern Wing of the development. As previously stated in my original objection, the non-compliance to residential controls represents considerable overdevelopment:

- Wall Height +30% to the Southern Wing
- Height of Building +11% to the Southern Wing
- Side Boundary Envelope Significantly Outside Envelope by over 5.8m along southern boundary
- Rear Setback Dwelling & Deck +56%

The height poles clearly demonstrate the concerns that were originally expressed:

- The extent of the proposed building envelopes
- The siting and extent of the proposed dwelling without having sufficient consideration for maintaining view corridors, solar access and privacy, caused by non-compliant envelope.
- 5.2m high side southern boundary fence, that will create a two-storey wall to the south-east corner, and to my ocean beach entry, and the 15m high roof structures at RL 19.0 & 19.7 above the south east corner existing ground levels at RL 4.24 projecting towards the south east

My main amenity concerns are directly attributable to the non-compliant development including:

- View Loss
- Overshadowing
- Privacy
- Noise/Vibration
- General Impact
- Height, Bulk & Scale
- Visual Impact

I attach a series of photographs, connecting the height poles, on the attached photographs.

The photographs clearly show the extensive over development.

As previously contested, the DA scheme submitted requires to be amended, and I ask Council to request that the Applicant submit Amended Plans to overcome the issues raised in this objection and my original objection.

If the Applicant does not undertake a resubmission of Amended Plans to deal with the matters raised in this objection, then I ask Council to either heavily condition any approval, or simply issue a refusal.

Alternatively, as I mentioned earlier, Council may consider in light of the absence of Clause 4.6 applications, and other misleading information, to reject the Development Application as being beyond power on grounds that Council, as consent authority, has not been provided with sufficient probative material to form a proper basis for lawful action.

I attach four photographs with a marked-up commentary.

Council must insist that photomontages are completed by the Applicant from these vantage points, to fully describe the non-compliant envelope that they are requesting Council to consider. I also await the Registered Surveyors plan identifying the location of these heights poles posted on NBC website.

Yours faithfully,

Mrs Jan Dorsen

**35 Beach Road
Colloroy**



Photo 1

Taken from Private Open Space [POS] at main Living Room at 35 Beach Road.

The Height Poles show the non-compliant envelope of the proposed Southern Pavilion on the subject site.

The non-compliant building height at the south east corner of the pavilion, coupled with the non-compliant building envelope, both shown in a false and misleading way in respect to the ground levels existing.

- The lower zone represents the 5m+ wall height built close to my boundary.
- The middle zone represents the proposed ground floor plate that grossly exceeds the building envelope controls.
- The upper zone the proposed First Floor that exceeds the maximum building height at the south east corner and the envelope controls



Photo 2

Taken from the Beach Entry Gate to 35 Beach Road.

The Height Poles show the non-compliant envelope of the proposed Southern Pavilion on the subject site.

The non-compliant building height at the south east corner of the pavilion, coupled with the non-compliant building envelope, both shown in a false and misleading way in respect to the ground levels existing.

The lower zone represents the 5m+ wall height built close to my boundary.



Photo 3

Taken from the Public Domain to the south-east along the beach front.

The Height Poles show the non-compliant envelope of the proposed Southern Pavilion on the subject site.

The non-compliant building height at the south east corner of the pavilion, coupled with the non-compliant building envelope, both shown in a false and misleading way in respect to the ground levels existing.

- The lower zone represents the 5m+ wall height built close to my boundary.
- The middle zone represents the proposed ground floor plate that grossly exceeds the side building envelope controls.
- The upper zone the proposed First Floor that exceeds the maximum building height at the south east corner and the side envelope controls

The visual bulk of the proposed development adjacent to my beach entry and to my neighbours house is non-compliant to multiple controls, and is clearly totally inappropriate and unreasonable to this sensitive area.



Photo 4

Taken from Public Domain in the reserve to the east of the subject site adjacent the Norfolk Pines.

My house at 35 Beach can be seen through the height poles.

The Height Poles show the non-compliant envelope of the proposed Southern Pavilion on the subject site.

The non-compliant building height at the south east corner of the pavilion, coupled with the non-compliant building envelope, both shown in a false and misleading way in respect to the ground levels existing.

- The lower zone represents the 5m+ wall height built close to my boundary.
- The middle zone represents the proposed ground floor plate that grossly exceeds the building envelope controls.
- The upper zone the proposed First Floor that exceeds the maximum building height at the south east corner and the envelope controls