
Sent: 1/06/2021 6:55:47 PM
Subject: Formal Complaint - re: DA/2021/0383 Development Application 53B Amourin Street, North Manly
Attachments: Letter_-_Response_to_Submission_from_Corona_Projects.pdf;

Dear Council

I would like to make a formal complaint against a letter by David Dally dated 12 May 2021 in relation to DA/2021/0383 - brought to my attention today.

This letter (attached) states the following:

It is important to note that all surrounding neighbors have been shared the plans of this DA in person for consult and approval prior to submission. The current property owner of 51 Amourin St is Mr Paul Collins. He was walked through the DA drawings by the owners of 53B Amourin St who gave verbal consent that he was happy with the proposal and 53B could submit without changes as a result. Mr Collins has since sold 51 Amourin St (still under contract), supposedly to a Mr Shay King (as listed at the conclusion of this document) and presumably the soon to be new property owner once the property settles who commissioned this objection. The owners of 53B have not met, nor were they aware of these new owners and are disappointed Mr King didn't come directly to them to discuss their concerns, as the proposal has been very carefully designed to be considerate of all adjoining parties. The owners of 53A were also personally consulted and all view points addressed, which did result in some plan changes prior to submission. The owners of 53B would like council to know that the utmost respect has been paid to the neighbours in the preparation of this application, with careful design consideration paid to ensure no adverse effects to anyone or the local area.

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As former owner of 51 Amourin Street North Manly I would like to advise that I did not give any verbal consent to this project, as Mr Dally as he noted in his letter, in fact quite the opposite was advised from the onset to the owners of 53b Amourin St.

My first response upon seeing the plan was the proximity of the building to the fence and that an increased set-back of the upper level would be required of at least 1.5m to reduce shadowing and overlooking rear yard as it would not fit in with the look and feel of the neighbouring properties. Thus, no verbal consent was given to anyone. In the sale of my former property, I brought the development plans to the attention of the new purchaser, relating to the plans being available by the neighbouring property, who subsequently placed a submission through via corona projects as I would become former owner.

On Tuesday 11 May 2021 the owner of 53b Amourin was also advised via text message that the new owner and partner was due to have their first born child and would be moving in later the month. Thus, Mr Dally stating that Mr King didn't come directly to them to discuss their concerns is inappropriate based upon these facts of child birth occurring and through the engagement of Corona Projects submission to assist them based upon this stage of their lives, knowing that Mr Dally's letter was dated thereafter on 12 May and that Mr Shay King's phone number was also noted within their submission for contacting if required. To assist during this process, I was advised by Shay that he had a meeting with council organised to visit on site at 51 Amourin St North Manly to discuss the build upon

which further discussion would have presumably made between council and Mr Shay King moving forwards and from this possible discussion between council and the owners of 53b Amourin St to discuss any potential changes.

Thus, as a number of false assumptions have been made by Mr Dally in his letter to council, I am writing in support of Mr Shay Kings submission and that no verbal consent was provided

Regards

Paul Collins

12 May 2021

The General Manager
Northern Beaches Council
725 Pittwater Road
DEE WHY NSW 2099

Dear Sir/Madam,

**Response to the rejections outlined on 5/05/21 from Corona
Projects re DA/2021/0383 Development Application 53B
Amourin Street, North Manly**

“Alterations and additions to a dwelling house including garage.”

Bewoner Studio would like to formally respond to the rejections outlined by Corona Projects.

It is important to note that all surrounding neighbors have been shared the plans of this DA in person for consult and approval prior to submission. The current property owner of 51 Amourin St is Mr Paul Collins. He was walked through the DA drawings by the owners of 53B Amourin St who gave verbal consent that he was happy with the proposal and 53B could submit without changes as a result. Mr Collins has since sold 51 Amourin St (still under contract), supposedly to a Mr Shay King (as listed at the conclusion of this document) and presumably the soon to be new property owner once the property settles who commissioned this objection. The owners of 53B have not met, nor were they aware of these new owners and are disappointed Mr King didn't come directly to them to discuss their concerns, as the proposal has been very carefully designed to be considerate of all adjoining parties. The owners of 53A were also personally consulted and all view points addressed, which did result in some plan changes prior to submission. The owners of 53B would like council to know that the utmost respect has been paid to the neighbours in the preparation of this application, with careful design consideration paid to ensure no adverse effects to anyone or the local area.

We look forward to working with you closely on this to ensure the best outcome for the residents and Amourin St family of which the 53B owners play a large community role in supporting.

**Many thanks,
David Dally**

1. Rejection Issue: *Introduction*

53B Response: The proposed alterations are fully compliant with the councils regulations and fall well within the shadowing restrictions. The proposal has been architecturally designed to ensure the aesthetic is visually pleasing and ensures privacy between neighbors. There is nothing unacceptable about the proposal. The owner took considerable time meeting with the neighbors to consult prior to the submission of this DA including the current owner of 51 Amourin St Paul Collins as outlined above who supported and approved the current application. No other neighbor has contested the submission, including the owner of 53A who happens to be an architect and is very vocal about proposals that may negatively affect his property with council. The lack of retort to the proposal suggests there is no cause for concern that the current proposal would cause “unacceptable impact” on the surrounding locality in any way.

2. Rejection Issue: *Solar access and Overshadowing*

53B Response: The owners of No.51 should have considered this when purchasing the property as all of the shadow cast in the calculated private open space is cast from the existing paling fence and their own house.

The DA Proposal for 53B Amourin has been carefully designed in order to minimize the over shadowing of the proposal on 51 Amourin street. Requirement 2 of the DCP2011 D6 access to sunlight requires that at least 50 percent of the private open space of each dwelling requires a minimum of 3 hours of sunlight between 9am and 3pm on June 2. This requirement has been fully met and carefully considered in the design of the proposal as follows:

- a. The private open space of 51 Amourin street is a 5m x 10m area directly outside the living space of 51. The calculated private open space is well clear of any additional overshadowing that will occur on the POS of 51 at 3pm.
- b. The proposed roof design and roof pitch provides a considered solution, maximizing solar access to 51, with the pitch of the roof sloping down towards the boundary, reducing any impact from the proposal in the late afternoon.
- c. The proposal falls well under the allowable height restriction of **1.7 m below** the height restriction at ridge height and **1.9m below** the wall height restriction at the 0.9m compliant setback which is a considerate and generous approach to a design which could have been much higher in both roof ridge and wall height whilst still being within the allowable Height and envelope controls of the WLEP2011.
- d. The proposed building is well within the side boundary envelope control of the WLEP as clearly indicated in the proposed architectural drawings of DA application calculated at 5m and 45 degrees.
- e. The existing jacaranda tree and palm tree proposed for removal produces very large amounts of

over shadowing on No. 51 currently, and when removed will give back a huge amount of sunlight to 51 which will improve the current sunlight situation dramatically.



Figure 3 – Principal private open space of 51 Amourin Street (Corona Projects, 2021)

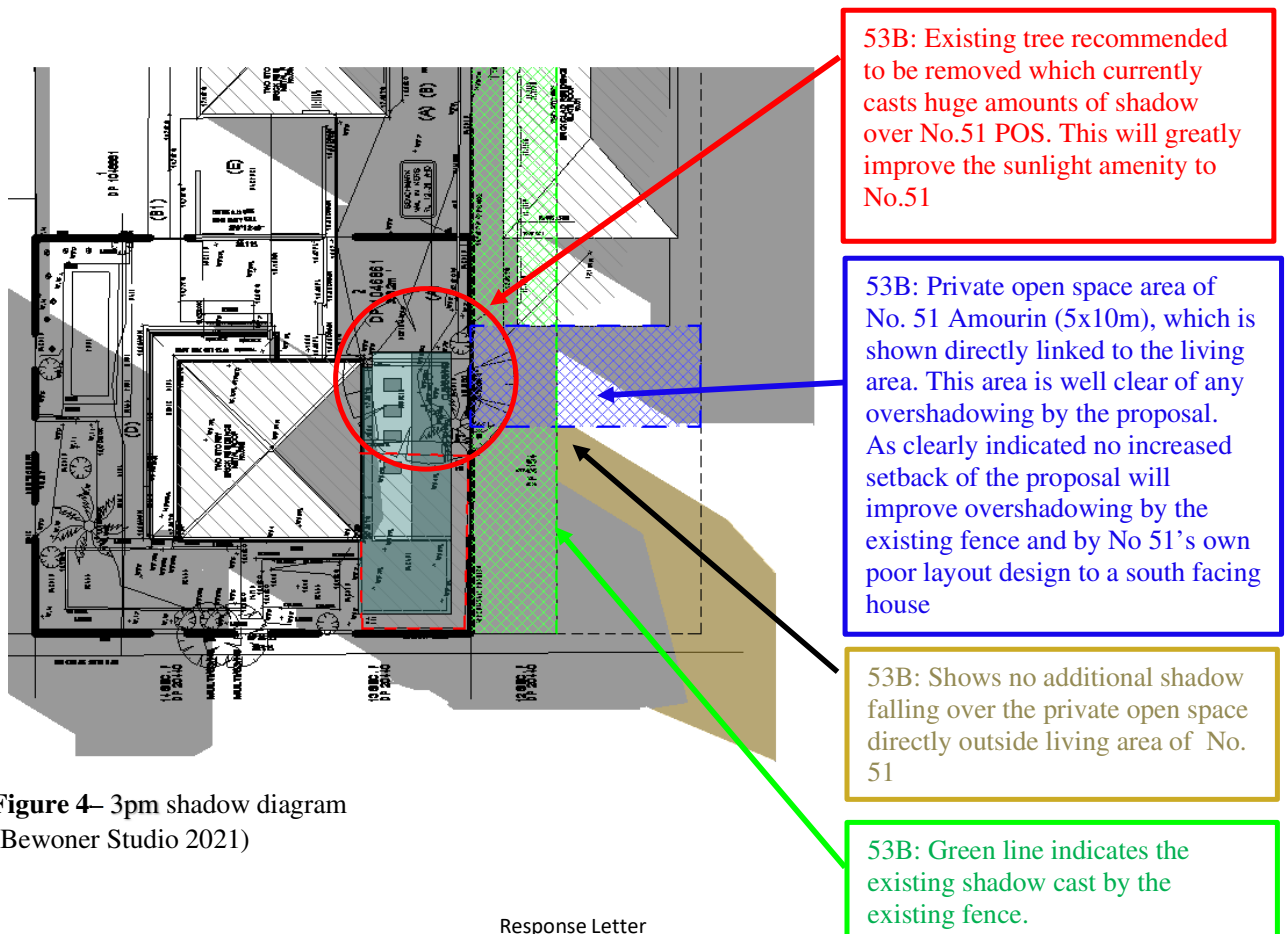


Figure 4– 3pm shadow diagram
(Bewoner Studio 2021)



Figure 2 – Development site viewed from Amourin Street (Google Maps, 2020)

3. Rejection Issue: *Visual Bulk and ‘Sense of Enclosure*

53B Response: This is incorrect, the proposal includes new screening shrubs between No. 53b and No. 51, with an increase in the setback area allowing for screening to be planted along the eastern boundary of 53b.

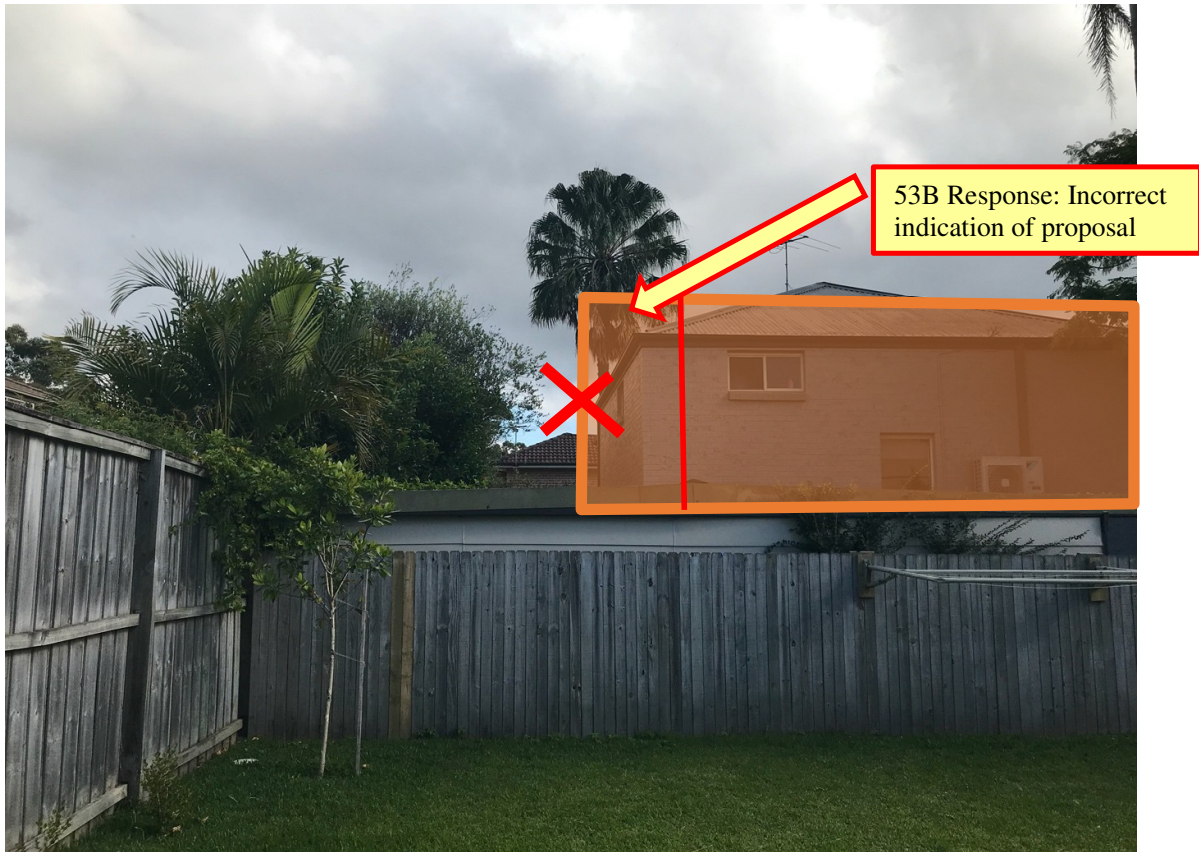


Figure 5 – Proposed visual bulk impact (Corona Projects, 2021) This is a false indication of the proposal.



Figure 6 – Proposed visual bulk impact (Corona Projects, 2021)

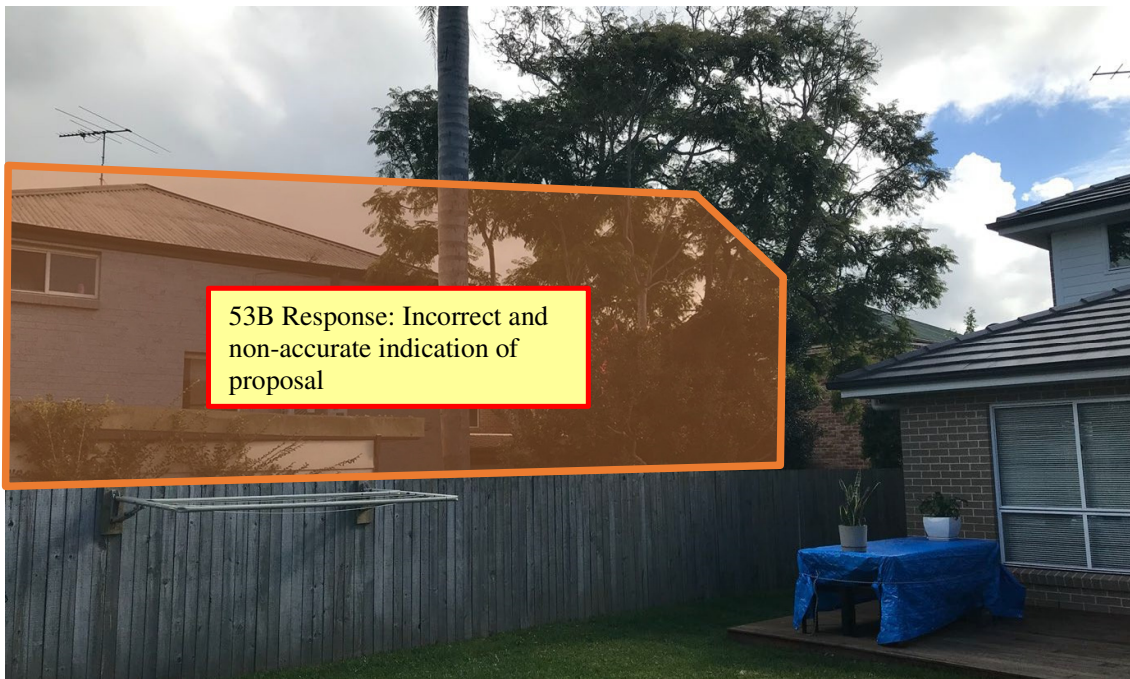


Figure 7 – Proposed visual bulk impact (Corona Projects, 2021)

53B Response: This image is not a true depiction of the spatial area the proposed development will claim. It has been embellished for dramatic effect. The arborist report suggests trees will be included between the new development and fence line which should alleviate any concern about visual bulk and a sense of enclosure, this will ensure considerably more foliage than currently exists between the properties as the existing car port is not 0.9M off the side boundary and doesn't allow for any foliage to reside.

4. Rejection Issue: WDCP 2011 *Non-compliances*

53B Response: All controls are compliant. 51 Amourin is currently built 0.9m off the side boundary from 53. Wall heights and ceiling heights are permitted to be considerably higher than proposed

Control	Comment
B1. Wall Heights Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	53B Response: B1 The Proposed Wall Heights is 5.4m high this is 1.8m below the allowable wall height restriction.
B3. Side Boundary Envelope Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 5 metres.	53B Response: B3 SIDE BOUNDARY ENVELOPE The Proposal is fully compliant with the side boundary envelope calculation of 5m and 45 degrees as shown in the architectural drawings. Council will clearly see that the proposal is well under this restriction (800 mm below the envelope at ridge level and well under at wall edge.)
B5. Side Boundary Setbacks Development is to maintain a minimum setback from side boundaries of 0.9m on this site.	The proposal is considerably reduced in height, compared to what is allowable under B1, B3, B5 and therefore I am sure council will consider the impact of the proposal on the streetscape, surrounding properties and setbacks more than reasonable, considerate and totally acceptable.
B6. Merit Assessment of Side Setbacks Side boundary setbacks will be determined on a merit basis and will have regard to: <ul style="list-style-type: none"> • streetscape; • amenity of surrounding properties; and • setbacks of neighbouring development 	
B9. Rear Boundary Setbacks Development is to maintain a minimum setback from rear boundaries of 6m on this site.	53B Response: Under The Environmental Planning and Assessment Act 1979, Division 4.11 Existing Uses. 53B Amourin St relies on existing land use rights from a previous approved DA2001/0026. The planning instrument used in this previous approval is WLEP 2000 and it should be stated that there is no evidence that the existing use has ceased to be actually so used for a continuous period of 12 months. Therefore the proposed first floor rear set back needs to be reviewed in line with the means in which the original house was built and the previously approved DA2001/0026. The first floor

	<p>rear setback should be allowed to be kept in line with the current houses rear set back lines of 4420m. The ground floor proposal is unobtrusive to 51 Amourin St and will become further away from the current side set back than current and thus should be of no further concern to the neighbours.</p> <p>The proposed portion on ground level that protrudes into the rear set back has no adverse impact on the neighboring properties, with no over shadowing and no visual impact. The proposal is in the current location of the existing garage structure, only one storey, and is proposed to be screened along the boundary by the existing fence with proposed screening plants. The proposal in fact will increase the east and south boundary set back from what is currently existing on the site, therefore increasing the amenity and visual impact from what is existing.</p>
<p>D9. Building Bulk:</p> <ul style="list-style-type: none"> Large areas of continuous wall planes are to be avoided by varying building setbacks 	<p>The proposal results in an obtrusive structure, without landscape screenings to soften the bulk and without articulation.</p> <p>53B Response: This is not the case. The proposal currently shows a wall of vegetation screening to break up the new build between wall and fence line. No windows have been included on the eastern wall to ensure the utmost privacy over 51 Amourin's garden.</p>
<p>and using appropriate techniques to provide visual relief.</p> <ul style="list-style-type: none"> Landscape plantings are to be provided to reduce the visual bulk of new building and works. Articulate walls to reduce building mass. 	<p>A 6m rear setback and 2m side setback for any first floor addition, or overall upper floor above-garage addition removal would assist to achieve the objectives of this control.</p> <p>53B Response: This is totally unreasonable as the minimum allowable side setback in the WDCP2011 is 0.9m.</p> <p>Landscaped screening within the proposed 0.9m side setback is also requested.</p> <p>53B: This has been proposed in the DA application, the applicant agrees to the proposed landscaped screening along the eastern boundary. Please re-read the submission to make sure you are accurately retorting fact and not missing important details like this.</p>

5. Rejection Issue: *Overdevelopment*

53B is a 3 bedroom house including study nook and has a very small footprint. The additions proposed are to add on a fourth bedroom only, not a 5th. To add an additional bedroom for a family of 4, 2 adults, 2 children is not unreasonable and in keeping with many houses on the street. The owners of 53B have walked through 51 Amourin and can attest that on a similar sized block, their house comprises of 4 bedrooms, study nook, and multiple living zones making the footprint and living space considerably bigger than 53B at present and post completion of the new development. Their build has caused drainage issues to 53B having raised the yard level without consult. If we are going to compare like for like, there's no argument here as their residence is the antithesis of the argument and doesn't itself comply with the ABS statistics.

It should further be noted that No. 51's water tanks are non compliant and located within the 0.9m side setback, more than 1m high, with no visual screening provided to screen the tanks from No. 53A & No.53B.

WDCP 2011 requires any services in the minimum side boundary set back to be under 1m in height

- *Screens or sunblinds, light fittings, electricity or gas meters, or other services infrastructure and structures **not more than 1 metre** above ground level (existing) such as unroofed terraces, balconies, landings, steps or ramps may encroach beyond the minimum side setback*

This is not the case with No. 51's water tanks and therefore they are non-compliant.

6. Rejection Issue: *Aerial Imagery Inconsistencies*

53B: The Arborist visited the site to visually survey 53B and surrounding residences to ensure the utmost due diligence when preparing her report and recommendation. This is a speculative and incorrect suggestion that the Arborist report was determined with incorrect visual documentation. The image included is the latest one available via satellite for submission purposes.

7. Response to Recommendations:

- a) **Action:** Remove the upper floor above the garage, or implement a 2m upper floor side setback and 6m rear setback for any addition above the garage.

Outcome: This will achieve compliance with WDCP 2011 built form objectives, and reduce overshadowing and any visual bulk impact for 51 Amourin Street.

53B Response: The addition of the upper floor is permissible within current regulation. A 2M side set back is not required. 51's upper floor is currently 0.9M off the side boundary from 53. If this 2M side set back is mandated, 53B will have to look at raising the roof line (1.7m higher) within the limitations to make up for the lost space which will have significantly greater and adverse effects on 51's shadowing and sunlight than currently proposed. The 6M rear set back concern should be considered in view of the current residence rear set back of 4.420M which was compliant at time of build for a battle axe block and any new addition should be reviewed in keeping with the current house lines.

- b) **Action:** Extend the upper floor to the west above the existing ground floor deck space.

Outcome: This results in a larger upper floor without negative amenity impacts for No. 51.

53B Response: This would result in non compliance of the properties sunlight and landscaping ratios and is not a viable option, taking into consideration the existing pool structure, vegetation and overlooking that would occur on the west boundary. This is not a viable action.

- c) **Action:** Provide landscape screening of any built form within the eastern side setback, ensuring that it is as high as the highest point of any addition.

Outcome: This will soften the visual appearance of any additions from 51 Amourin Street.

53B Response: Vegetation will be planted in the 0.9M set back to break up the wall line. Recommend 51 plant mature trees on their fence side to soften the current unarticulated stark fence line.

Response to Conclusion

53B: The DA Proposal for 53B Amourin Street is council compliant and has been carefully designed to consider the privacy and pleasing visual aesthetic for all surrounding residences in its creation. The specific controls in question cannot be upheld without reasonable doubt and are far-fetched attempts to try and alter the existing proposal without any grounded factual regulatory means. Simply, the objections are a subjective dislike of the additions without probable cause to be upheld by a potential new home owner.

Please don't hesitate to contact me in this regard.

Regards,



David Dally
Director
B(Arch), M(Arch),
BEWONER STUDIO