
From: Felicity Macqueen
Sent: 4/12/2023 1:05:06 PM
To: Council Northernbeaches Mailbox
Subject: TRIMMED DA2023/1395
Attachments: DA20231395 Submission - Macqueen.pdf;

Good afternoon,

Please find attached our submission re: DA2023/1395.

Kind regards,
Felicity & Scott Macqueen
12 Cliff Road, Collaroy



As the owners of 12 Cliff Road, Collaroy – located to the immediate east of the subject site - we wish to raise the following matters and recommend that the proponent be given an opportunity to make amendments to the current scheme to address these critical issues.

1. Excessive Height

The proposed building development surpasses the permissible height limit, and while the proponents argue that the excess height is not visible, it is clearly noticeable to residents on Cliff Road, as well as those in the west-facing gardens and adjacent apartments, affecting our privacy and the aesthetic appeal of our surroundings.



Figure 1: building height breach envelope as viewed from the east

Council's Design + Sustainability Advisory Panel Meeting Report (26 October 2023) states:

'The applicant seeks a 26% variation in height and 1 storey more than allowed...A significant breach of the height control has been proposed. The additional height is in the order of almost a full floor height and offers no benefit save the provision of additional apartments. The reason and benefits of the additional height has not been adequately explained or justified.'

We are in agreement with Council that the 26% height variation and additional storey is unacceptable and request that it not be approved. This additional height will dramatically add to the already overwhelming privacy issues of the proposed build to our everyday life. In particular, our children's bedroom is directly visible through their west facing windows, as well as our lounge/kitchen.

Additionally, our backyard will go from a light-filled private retreat to a dark and closed-in space.

2. Violation of Storey Limits

The intended construction, standing at four storeys, exceeds the local Development Control Plan's (DCP) allowance of three storeys, compounding concerns raised by the height violations, as outlined in the first point.

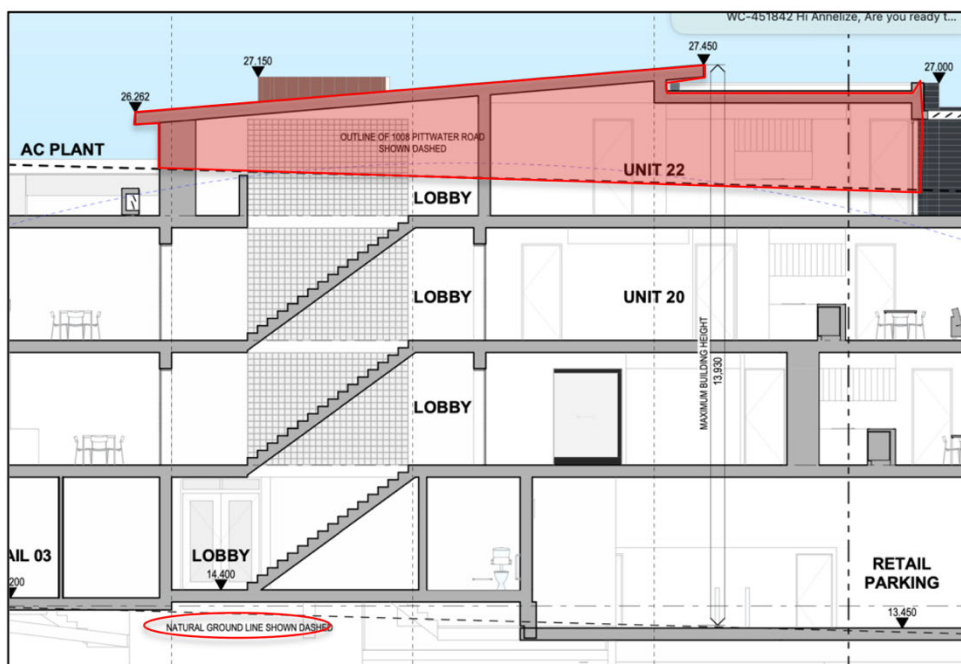


Figure 2: Section AA of Architectural plans - red hatching showing non-compliance with height

The Council's Design + Sustainability Advisory Panel Meeting Report (26 October 2023) recommends:

'The location of the site next to R2 on the east requires careful consideration of its impact on the smaller scale buildings. While the scale of the building presents well to the street on Pittwater Road, it is more imposing to the residents in the R2 zone to the east. Consideration should be given to moving some of the bulk towards the street.'

We agree with Council that the scale and mass of the build has a huge impact on our property (a single-storey home) and believe the bulk of the development should be moved towards Pittwater Road which does not affect residents to the east as detrimentally.

3. Encroachment & Privacy Concerns

Towards the rear, the building encroaches 3 meters closer to the boundary than specified in the planning instruments, amplifying its imposing presence beyond acceptable limits.

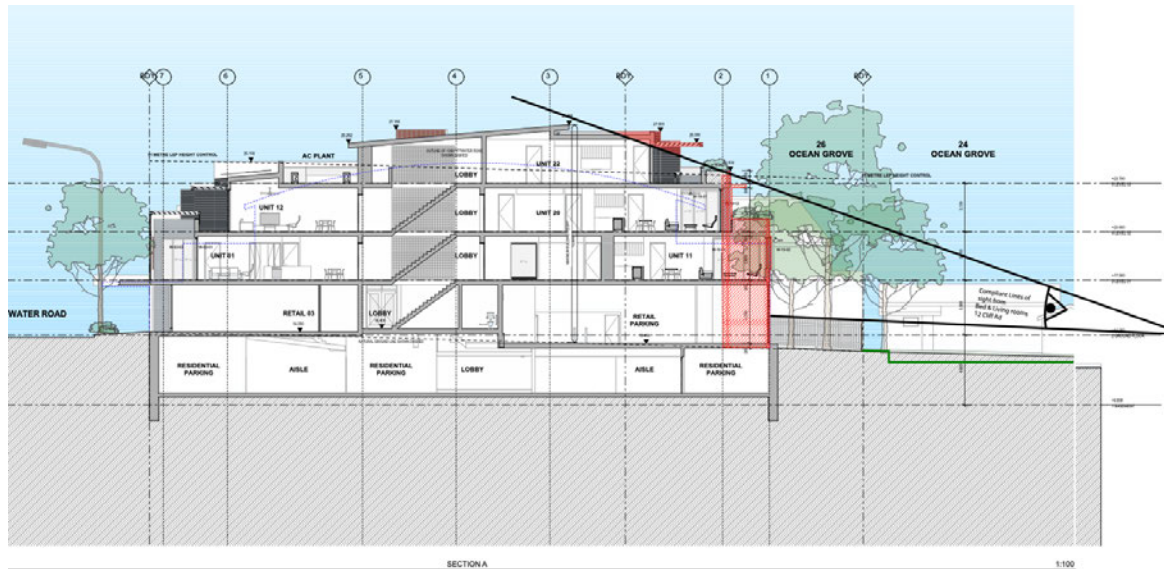


Figure 3: Visible massing

Additionally, Council's Design + Sustainability Advisory Panel Meeting Report (26 October 2023) asserts:

'Increased setback from rear...Complemented by large trees in the yards of the neighbours.'

We have major concerns that Council have included the vegetation on our property as 'complementing' the build. And believe at no time should this be considered part of the amenity of the build. The proponent should be responsible for providing tree coverage to ensure that the privacy issue of neighbours is minimised, and we request that a minimum bag size of 100L Backhousia citriodora be planted along the Eastern boundary.

Further to the issue of landscaping, we wish to note the following;

Council's Landscape Referral Response (25 October 2023) mentions:

'The Arborist's Report indicates that 4 exempt trees are to be removed to accommodate the proposed works. The Report appears to include one tree on an adjoining property, identified as Tree 7. It would appear that this has been included in error as the works do not impact on the tree.'

We agree with Council that Tree 7 is within our property boundary and is not to be included in the plans for the build.

The report then goes on to state;

*'It is considered that the proposal would benefit from the inclusion of an additional canopy tree in the rear deep soil area to provide improved softening of the built form and transition to the adjoining residential land... An Amended Landscape Plan shall be issued to the Certifier prior to the issue of a Construction Certificate to include the following details:
The addition of 1 x Angophora costata to be located within the rear deep soil area.'*

We agree with Council regarding the addition of a canopy tree to the rear of the build, however, would argue that an Angophora costata is not an appropriate tree for the area as there are no other Angophora's on the eastern side of Pittwater Road. Alternatively we would like to suggest either a Coastal Banksia (Banksia integrifolia) or Native Hibiscus (Hibiscus tiliaceus) be considered.

We would also like to confirm that at no time will we agree to reduce the height of the vegetation on our property.

The three key points outlined above raise serious concerns regarding the privacy of our property, with the proposed development having an intrusive view into our children's bedroom and lounge/kitchen as well as our backyard.

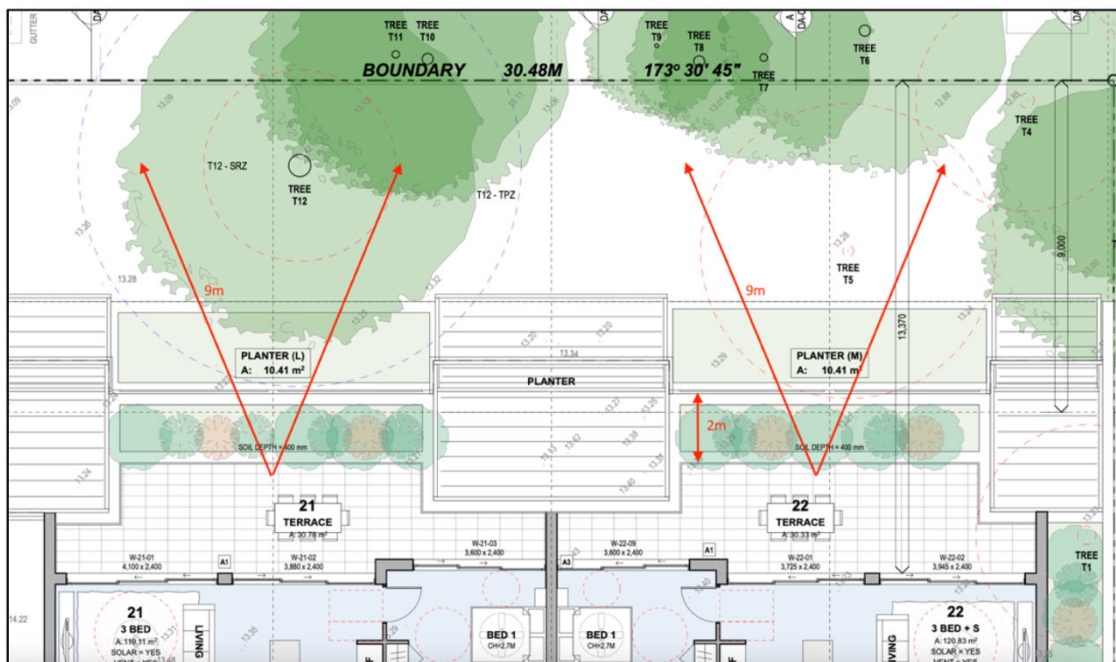


Figure 4: Overlooking potential

The negative impact of the development is further exacerbated by the following issues:

4. Side Setback Violations

The proposed side setbacks fail to align with the DCP, resulting in an overly expansive width that significantly impacts residents to the north and south of the development.

5. Non-Compliance with Upper Setbacks

The upper setbacks at the building's front violate DCP standards, contrasting with compliant structures like The Reef and Collaroy Swim and Pool Shop. This non-compliance renders the building more imposing.

6. Inadequate Shadow Analysis

The overshadowing drawings provided by the proponent lack sufficient detail to accurately assess the building's potential impact, a critical concern for residents in The Reef apartments and those residing along Cliff Road.

7. Inconsistency with Local Character

Due to multiple breaches of the DCP, the proposed building surpasses the size of neighbouring structures, creating an inconsistency with the established character of the local area and undermining the desired future aesthetic.

8. Environmental Impact

The development poses a threat to a prime specimen of a Cook Pine near the boundary with 14 Cliff Road, as it encroaches into the Tree Protection Zone, jeopardizing the tree's survival. This encroachment raises serious concerns about the project's impact on the local environment.

We thank Council and the proponent for their careful consideration of this submission and look forward to a resolution that takes into account the concerns raised above.

Scott & Felicity Macqueen
12 Cliff Road, Collaroy