
Sent: 23/04/2021 2:56:38 PM
Subject: DA 2021/0006
Attachments: Submission - Spitzer addendum April 2021.pdf;

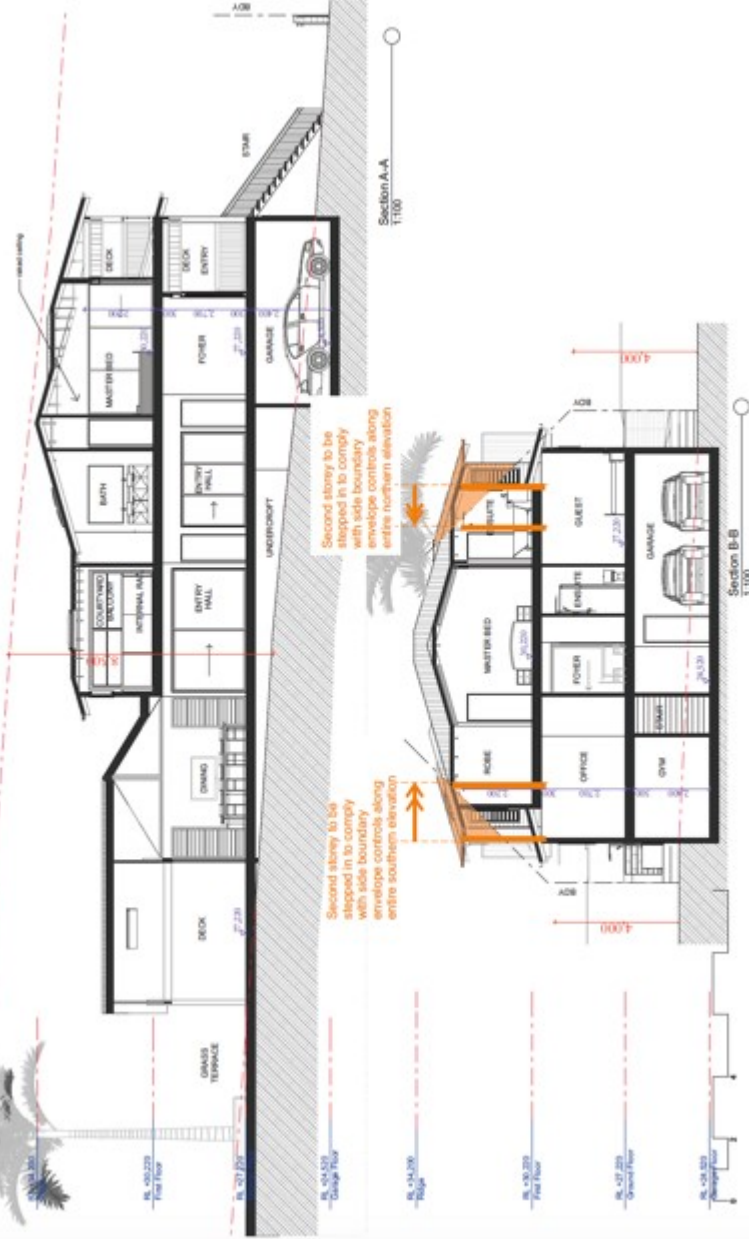
Hello,

As discussed with Anne-Marie Young, please find attached our Submission for DA2021/0006 at 10 Jamieson Parade, Collaroy.

Kind regards,

Andrew & Sara Spitzer
8 Jamieson Parade,
Collaroy.

MARCH 30 AMENDED PLANS



<p>sketchArc PO Box 377 Mary 1665 Ph: 0822 521 871 www.sketcharc.com.au</p>		<p>10 Jamieson Mtn. Colling. 2007, NSW Lot 14 Sec 22 in DP 12012-1007-2 Private</p>		<p>DA12</p>
<p>DATE: 11/09/2013 DRAWN: [Signature] CHECKED: [Signature] DATE: 11/09/2013</p>	<p>DATE: 11/09/2013 DRAWN: [Signature] CHECKED: [Signature] DATE: 11/09/2013</p>	<p>DATE: 11/09/2013 DRAWN: [Signature] CHECKED: [Signature] DATE: 11/09/2013</p>	<p>DATE: 11/09/2013 DRAWN: [Signature] CHECKED: [Signature] DATE: 11/09/2013</p>	<p>DATE: 11/09/2013 DRAWN: [Signature] CHECKED: [Signature] DATE: 11/09/2013</p>

22 April 2021

The Chief Executive Officer
Northern Beaches Council
Attention: Anne-Marie Young

SUBMISSION [ADDENDUM] TO DA 2021/0006 – REVISED PLANS
Impacts at 8 Jamieson Parade, Collaroy from the proposed redevelopment of
10 Jamieson Parade, Collaroy.

Further to the submission dated 10 February 2021 regarding the subject matter, we have reviewed the revised plans dated March 2021. In response, the issues and concerns stated in the previous submission remain. In addition, the following submissions are made in response to the revised plans and the building profiles erected on the site.

1 Submissions

Significant amenity is gained along the northern side and north eastern frontage of my client's property. Such amenity takes the form of coastal views, cooling summer sea breezes, and sunlight.

1.1 Solar access

The extent of shading impact is significant and assessed as excessive noting the location of the side boundary envelope exceedance and the extent of proposed development footprint, noting the design exceeds the landscaped area control (calculated to be 31% when excluding the proposed courtyard which does not provide a deep soil area and is elevated above ground level¹) and has excessive site coverage. The design would significantly impact the extent of sunlight to the valued north facing windows of the living, kitchen, and dining rooms within my client's property as noted within images 1-3 below.

The nature and location of side boundary envelope exceedance at this property interface results in material adverse impact. This is not justified in the circumstances of the site's unconstrained physical characteristics and is beyond reasonable expectations in the application of the controls.

¹ It is also noted that the pool section [section DD] shows the pool slab extending to the rear retaining wall and section AA shows the concrete floor slab extending from the dwelling well into the rear yard; features that would further diminish the landscape area.

1.2 Building bulk

DCP control D9 building bulk is applicable to the site, its objectives being (as relevant):

'To encourage good design and innovative architecture to improve the urban environment.

To minimise the visual impact of development when viewed from adjoining properties, streets...'

The proposed design has a southern elevation that is approximately 25.7 metres in length, with insufficient visual relief, minimal setbacks, no opportunities for landscaping within this elevation, and a non-compliant side boundary envelope. Furthermore, taking guidance from the planning principle for design compatibility in a suburban context [Salanitro-Chafei v Ashfield Council [2005] NSWLEC 366 at 23-28] the proposal demonstrates a gross floor area of approximately 410m² (which does not include the large roofed area at the rear of the dwelling which is approx. 60m²). This translates to a nominal floorspace ratio of 0.59 to 1 which exceeds the planning principles recommended 0.5 to 1 for the R2 Low Density residential zone. In my opinion this is an objective measure of the building's bulk and its excessive nature.

My clients are concerned that the proposal would result in an excessive visual-bulk and scale that will have adverse visual impacts upon their amenity.

In my opinion the proposal's shading impacts and exceedance the above stated built form controls, would cumulatively, result in a development that:

- will have an inappropriate visual bulk when viewed from my clients' property and does not satisfy the provisions of DCP control D9 building bulk
- will not enhance the existing streetscape and is likely to result in an uncharacteristic bulk and scale (of 3 storeys) that adversely impacts the streetscape
- will not maintain nor contribute to the site's landscaped setting
- will not minimise its environmental impact.

1.3 View Impact

Height poles have been erected that indicate the extent of view impact due to the height of the southern elevation and its front and southern boundary setbacks. The following observations are made having regard to DCP section D7 'Views' and the planning principle [Tenacity Consulting v Warringah Council 2004 NSWLEC 140 at 25-29].

The property enjoys existing views generally in a north easterly direction (towards the beach and ocean). Some of these views will be adversely impacted by the proposed development. The following considers whether the proposal results in a reasonable view sharing outcome following the 4 steps within the Tenacity planning principle.

Step 1 – the character and nature of views to be affected include ocean, vegetation (including Norfolk Island Pine trees along the ocean shoreline) and district views (figure 4).

Step 2 – the views are obtained over the side and front boundary of my client's property and the side and front boundary of the subject site. The part of the property from which the views are obtained is the upper-level parent's retreat and balcony.

Step 3 – the extent of the impact is assessed as moderate because it includes elements of the view including the ocean, Norfolk Island Pine trees along the ocean shoreline and land/water interface. It is noted that 'moderate' is the third (or middle) level of the five levels of impact, 1 to 5 being negligible, minor, moderate, severe, or devastating.

Step 4 – In considering the reasonableness of the proposal that is causing the impact, I have considered:

- what effect the proposal will have, compared to what effect a compliant building would have
- the proposed building form (height, setbacks, scale) of structures adjacent to the common boundary
- The principles of Tenacity, which include the following in relation to Step 4:
‘A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable’.

In my opinion the proposal causing the impact provides an inappropriate view sharing outcome which is assessed as *moderate* and unreasonable in this instance because:

- Valued elements of the view including the ocean, Norfolk Island Pine trees along the shoreline and the land water interface will be lost from a secondary internal living space within the dwelling.
- The proposal does not comply with the southern side boundary envelope, landscaped area (extent of proposed development footprint) and building bulk (also expressed in the FSR/GFA planning principle) controls.
- The proposal is unreasonable because there are alternatives available to achieve a compliant building form on the site that would deliver a reasonable development outcome for the proponent. Therefore, a more compliant and more skilful design may *provide the applicant with the same development potential and amenity and reduce the impact on the views of my clients’ property.*

1.4 The proposal is unacceptable because there are design alternatives available

In our opinion there are design alternatives available to address the concerns that have been identified. To avoid these impacts, we respectfully submit that the following design changes be required:

- The so called ‘undercroft’ level be deleted and the proposed habitable building levels lowered. This would improve the design’s streetscape presentation resulting in a predominantly 2-storey building when viewed from the street; reduce the visual bulk and scale of the property when viewed from 8 Jamison Parade; reduce the shading impacts on my clients’ property. In our opinion the undercroft level is inappropriately elevating the habitable levels of the dwelling to obtain improved views towards the coast and provide additional ‘secondary’ floor space within the lower ground floor level of the building (storage, gym, etc). This is contributing to the excessive GFA, side boundary envelope non-compliance, bulk scale, additional shadowing, and overall, the excessive nature of the design.
- Increase the side boundary setbacks at the upper level in to comply with the side boundary envelope control.
- The building footprint be reduced to comply with the landscaped area.
- The building bulk be reduced such that the FSR not exceed 0.5 to 1 in accordance with the planning principle.

- Provide a more skilful design that incorporates improved articulation and opportunities for landscaping within the southern elevation of the building design.

2 Conclusion

In summary it is assessed that the nature and extent of design changes are inadequate in addressing the issues raised.

For reasons outlined in this and the previous submission, the proposed development is unreasonable. It represents an overdevelopment of the site and an unbalanced range of amenity impacts (view obstruction, depleted solar access, and visual impact) which would result in impacts on my clients' property.

The proposed development fails to meet Council's planning controls and the merit assessment provisions relating to streetscape, side boundary envelope, building bulk, gross floor area, and landscape area.

The proposed development represents an unreasonably large dwelling house design, for which there are design alternatives to achieve a reasonable development outcome on the site without having such impacts. A compliant building design would reduce the amenity impacts identified.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners

The following excerpts are from the shadow diagrams dated March 2021 with the location of the living, kitchen, and dining room windows noted. They show that the living, kitchen, and dining rooms will be in full shade between 9am and 3pm on 22 June.

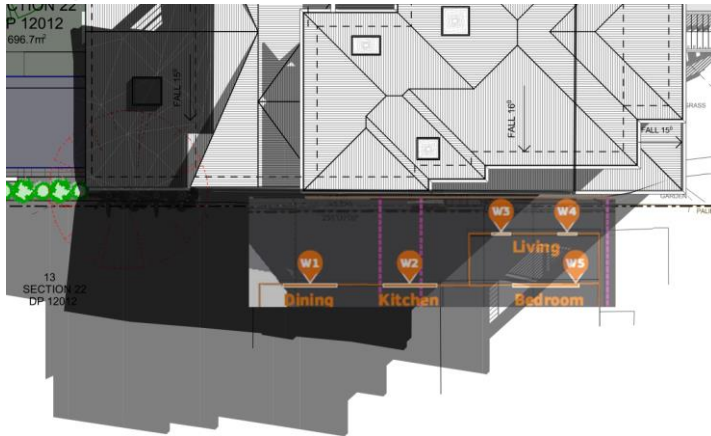


Figure 1 - 9am shadow

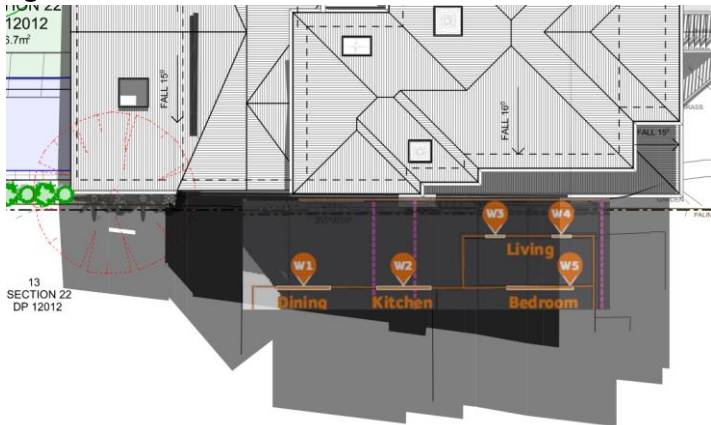


Figure 2 - 12pm shadow

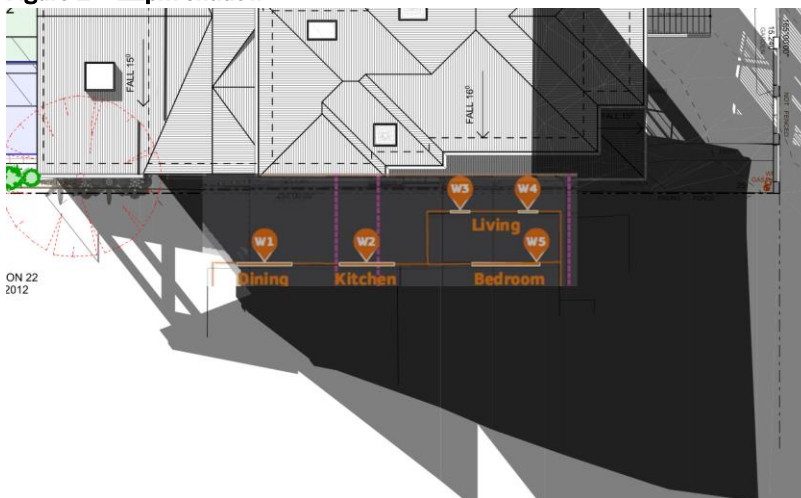


Figure 3 - 3pm shadow



Figure 4 - view currently enjoyed from the north facing side window of the main bedroom within the upper-level parents' retreat. A compliant side boundary envelope and reduced building extent (GFA and bulk) would likely reduce or eliminate the view loss