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**Sent:** 22/08/2024 6:12:07 PM  
**Subject:** MOD2024/0445  
**Attachments:** Proposed Modification Response 20240822.docx;

The Development Assessment Team,

Please find attached correspondence in regard to MOD2024/0045.

Regards,

Joseph Hauser

## Proposed Modification MOD2024/0445 - 37 to 43 Hay Street, Collaroy

Joseph & Jane Hauser  
31 Hay Street,  
Collaroy

2 August 2024

Northern Beaches Council – Planning and Development Department

### Modification 2024/0445 (refer Development Consent 2023/0868)

#### 37, 39, 41 & 43 Hay Street Collaroy

Attention: The Development Assessment Team

I thank you for the opportunity to provide a response to this Modification MOD2024/0445 associated with the recent LEC proceedings regarding Development Application (**DA2023/0868**). On behalf of my wife and myself we strongly object to the proposed Modification. We have lived in Hay Street at the same address for over 30 years. The house we purchased was a single level timber beach house with mahogany weatherboard fascia, chimney and an open veranda on the eastern side. The street character and in fact the character of the surrounding streets reflects the 'low density' sense of space of the area.

#### Bulk & Scale:

The Land & Environment Court accepted the Development Application, as modified, in its decision LEC No:2023/266128 and its Orders dated 25 June 2024. In this decision the non-discretionary Floor Space Ratio (FSR) was revised by the proponent to 0.55:1 and upheld at this metric by the Court.

For clarity, the original DA for the proposal presented a FSR at **0.72:1**. Significant community objection and Northern Beaches Council (NBC) planning rejection to the Bulk & Scale of the proposed development resulted in a reduction of the FSR to **0.553:1** by the proponent, as well as, amongst other elements, changes to setbacks, building height, landscaping, built form and access.

The Modification the subject of this letter now proposes an increase in the FSR to **0.62:1**, i.e. an increase over the non-discretionary development standard of 24%, through an increase of the eastward (and westward) dimension of the building by 1.6m to 2.62m.

In the Statement of Environmental Effects, the justification (to exceed the standard) is based on an emotive response that *"the strict application of the FSR standard is unnecessary and unreasonable ..."*. Regardless of what the developer might like to do to improve financial returns, the collective community response and that of NBC was on the basis of 'excessive bulk & scale'. This is an entitlement of and expectation by the community that the development standard is to be respected and complied with.

Furthermore, the village amenity of Hay Street housing has been retained to a large extent by maintaining a consistent building line setback of the east and west faces of existing older houses. This particular feature is now lost. The Modification will only exacerbate the sense of loss of amenity to dominate the streetscape.

There are other misleading or inadvertent statements within the revised Statement of Environmental Effects, viz:

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- The predominant housing form in Hay Street is of split-level single storey and not of a 2 storey configuration;
- The photo of the “B1” bus service intimates that this transport service picks up at the local shops. This is not true. Local buses use the local stops to service nominated B1 hubs;
- Traffic management, during construction in particular, remains a significant concern for adjacent residents. NBC has failed to address this regardless. The cumulative impact of myriad developments will increase traffic density, a fact which is ignored.

### The Planning & Approval Process:

The DA submission and approval process is being subverted by avaricious developers who, at the expense of the community, local council and state government play around with scheme arrangements, such as has occurred with this Seniors’ Living proposal, until the developer’s intent is met, at all the times with undue regard for the “Joe Blow” in the street – a power imbalance.

In the case of this **DA2023/0868** and attendant documents the scheme approved by LEC could and should have been submitted in the first instance without all the rigmarole – that is, an initial proposal based on maximising scope, some 8 months later replaced by a more amenable scope and *now* increasing the *scope by stealth* through a Modification, **MOD2024/0445**.

Ultimately this process erodes trust of the community and gives rise to antagonism towards the proponents – What is Next? We will be Watching!

It will be with some interest and anticipation to review the Construction Management Plan.

Regards,

A handwritten signature in black ink, appearing to read 'Joe Hauser', written in a cursive style.

Joe Hauser